

NAVAL POSTGRADUATE SCHOOL MONTEREY, CALIFORNIA



THESIS

THE IMPACT OF U.S. DE-CERTIFICATION ON COLOMBIAN DEMOCRACY

by

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December, 1996

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Submitted in partial fulfillment
of the requirements for the degree of

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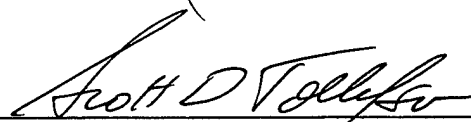
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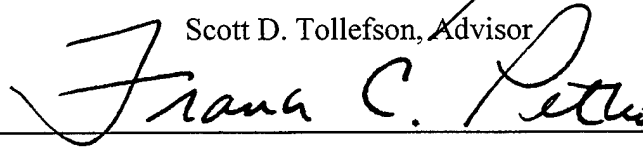
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ABSTRACT

This is a study of the impact of the United States drug-related de-certification upon the consolidation of democracy in Colombia. De-certification is one of the most powerful tools the United States has to focus international attention on the threat of narcotics and drug trafficking. This thesis argues that the de-certification decision made by the United States on March 1, 1996, in the short term undermines Colombian democracy. The de-certification is politically oriented to oust the government of President Ernesto Samper Pizano. President Pizano was targeted because of the infiltration of illegal drug money in his presidential campaign. The de-certification did not accomplish its objective. On the contrary, it brought more instability to the country, made the social situation more volatile and the democracy weaker and more vulnerable. However, it is possible that in the long term de-certification could have a positive impact on Colombian democracy, by helping the state to develop a strong posture against corruption and the drug syndicates.

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EXECUTIVE SUMMARY

This thesis analyzes the impact of the 1996 U.S. de-certification of Colombia on the consolidation of Colombian democracy. The objective of the study is to answer three important questions: Is democracy consolidated in Colombia? Is the United States, with its policies on narco-trafficking, including political and economic sanctions, undermining Colombian democracy? Can the war against narco-trafficking be won by a democracy, or more easily won by a military regime?

The certification is one of the most powerful tools the U.S. has to focus international attention on the narcotics threat and achieve results. This process of certification has two different stages. First, the Foreign Assistance Act requires the U.S. President to identify a list of the major drug-producing and transit countries as defined in the law. Second, within this list the U.S. administration will determine which countries are fully cooperating with the United States in the Drug War. If a country is considered to be less than fully cooperative with the administration, this country will be de-certified. De-certification places that nation on a "black list" that is sent annually to the U.S. Congress. Being on this list negatively affects the economic aid and trade preferences given by the U.S. government to that nation.

The incident that triggered the change of U.S. policy toward Colombia is known throughout the world as the "narco-scandal." This investigation in Colombia is known as the "8,000 process," and involves the payment of more than \$ 6 million from the Cali Cartel to the 1994 presidential campaign of President Ernesto Samper Pizano and various Liberal party members in Congress. This incident has led the Clinton administration to the de-certification of Colombia. However, the United States, while trying to achieve its political objectives through the de-certification process, which seeks to remove Ernesto Samper from the Presidency, did not consider sufficiently the negative impact that this decision would have on the consolidation of Colombian democracy. This impact may result in the weakening of the Colombian democracy. Furthermore, de-certification has been considered by the Colombian people as an act of aggression, and created a very strong and unprecedented backlash in Colombia. These factors could seriously undermine progress of the 30-year U.S.

effort to promote democracy and American values throughout the world, particularly among its neighbors in Latin America. For this reason democratization theory is the best tool to analyze the impact of U.S. de-certification on Colombia's democracy.

This thesis argues that to understand how Colombia arrived at de-certification, it is necessary to consider some important historical facts. The argument is that de-certification is not the result of whim. On the contrary, this political and economic sanction is the product of an historical process. Unfortunately, this historical process is the sad history of drugs in Colombia. The author briefly analyzes the background of the Colombian Mafia beginning with its first links to the marijuana business, followed by the cocaine trade. This explains how these two illegal businesses have led Colombia into a major and violent political conflict. The drug business has brought the country to a situation in which the relations between the Mafia and guerrillas, the Mafia and political parties, as well as rampant corruption are important parts of the Colombian political equation.

With this historical background, the author explains why Colombian democracy is in danger today. This thesis argues that although the U.S. de-certification is not responsible for all of Colombia's problems, this external pressure mixed with guerrilla strength, narco-trafficking, corruption, and civil disorder produces a powerful time bomb. These problems are present in all societies at some time, but it is unusual for them to be present at the same time and on the side as they are now in Colombia. This internal violence and permanent turmoil, plus the difficulties of the international environment represented by political, moral, and economic sanctions, or the silence of allies, are leading up to the final test for the survivability of Colombia democracy. The worst aspect of this scenario is that normally the only groups or sectors that may benefit from this outcome are those groups outside of law and order.

From the result of this analysis, it is clear that the war against narco-trafficking cannot be won either by a democracy or by a military regime. While narco-trafficking is not dealt with on the international level with an understanding that this problem is a two-sided problem of production and consumption, the war against narco-trafficking cannot be won, regardless of type of political regime. However, it is important to point out that for

Colombia, winning is a matter of survival and the individual goal of the state must be the end the drug cultivation, drug production and drug trafficking. The war against drugs should be Colombia's center of gravity and the primary focus of the national interest, national strategy, defense budget, and military and police operations. If Colombia follows this path, democracy will be stronger, the narco-guerrillas will lose their financial support and narco-trafficking will end at least in Colombia. In the author's opinion Colombia must pursue these goals with or without U.S. support.

After an explanation of the Colombian side of the problem, this thesis examines the implications of U.S. policies. The final objective of the drug war for the United States is to win the war against narco-trafficking. Even so, the strategies to achieve this end often are not clear, and are affected by the continuous changes in the administration's approaches. Sometimes U.S. policies do not take into consideration that this war is not a conventional one and is not fought in one place; even worse, the enemy sometimes is not clearly defined. This war is a low intensity type of conflict, a characteristic that makes the probabilities of full success more difficult to achieve. However, to end drug production, drug trafficking, and drug consumption, the United States has to use all the political, diplomatic, economic, military and law enforcement means available.

The danger of "unintended consequences" is always present given the power of the U.S. government. The probability is that all the bureaucracies involved in the drug war and the process of de-certification will not evaluate carefully the impact that this type of political, economic and moral sanction may have on Colombian democracy. Unfortunately, de-certification has a major impact, especially on those institutions that are working in support of the drug war, and on the thousands of honest business people who are willing to demonstrate that there are other ways to make a profit the trafficking.

After considering both sides of the problem, this thesis uses Robert Dahl's democratization theory. According to Dahl, the chance that a country will be governed at the national level by a regime in which opportunities for public contestation are available to the population, depends on at least seven sets of complex conditions. This study will use these seven characteristics of democracy to test whether the Colombian pattern of democracy

before and after the de-certification has changed. The combination of domestic variables includes the following: historical sequences, the degree of concentration in the socioeconomic order, the level of socioeconomic development, inequalities, subcultural cleavages, and the beliefs of political activists. Dahl concludes by saying that all of these variables are open to the influence of foreign actors.

As a tool to arrive at the final conclusions, the author analyzes the three hypotheses with the goal of identifying the most credible of the following three competing hypotheses: The U.S. de-certification has "undermined" democracy in Colombia; the U.S. de-certification has "strengthened" democracy in Colombia; the U.S. de-certification has not "impacted" Colombian democracy at all.

The author's most important conclusion is that the de-certification in the short term undermines Colombian democracy, but in the long term it is possible that it will strengthen Colombian democracy. This permanent pressure of the United States on Colombia has helped to augment political fires within the country, but never to suppress them. If guerrillas, narco-trafficking and corruption were the obstacles to democratic consolidation in the past, today U.S. intervention is one of the crucial factors for internal instability. Because of this, Colombian democracy is suffering its greatest crisis in recent history. However, if the Government of Colombia in the future adopts a strong posture against narco-trafficking by establishing the extradition and other important laws against drug-trafficking, democracy will be stronger. If this happens we will see finally a positive impact of de-certification.

I. INTRODUCTION

A. OBJECTIVE

This thesis analyzes the impact of the 1996 U.S. de-certification of Colombia on the consolidation of the Colombian democracy. I will try to answer the following questions:

- Is democracy consolidated in Colombia?
- Is the United States, with its policies on narco-trafficking that include political and economic sanctions, undermining Colombian democracy?
- Can the war against narco-trafficking be won by a democracy, or, can it be more easily won by a military regime?

B. BACKGROUND

On Thursday, February 29, 1996, U.S. Secretary of State Warren Christopher stated that the State Department was advising the White House to "de-certify" Colombia's efforts in cooperation with the United States in the Drug War. This announcement by Secretary Christopher sought to give a warning of the Clinton Administration's final decision, which was made public on the afternoon of Friday, March 1, 1996. The purpose of the de-certification was to focus international attention on the narcotic's threat and achieve results. The Foreign Assistance Act requires that each year the President identify the major drug-producing and drug-transit countries and determines whether they have fully cooperated with the United States or taken adequate steps on their own narcotics control.

This process of certification has two different stages. First, the Foreign Assistance Act requires the President of the United States to identify a list of the major drug-producing and transit countries as defined in the law.¹ Second, within this list the U.S. administration will determine which countries are fully cooperating with the United States in the Drug War. If a country is considered to be less than fully cooperative with the administration, this country

¹ The inclusion on the list does not reflect anti-drug performance. It is simply a recognition that large amounts of illicit drugs are produced in or transit through that country.

will be de-certified. De-certification places that nation on a "black list" that is sent annually to the U.S. Congress. Being on this list affects negatively the economic aid and trade preferences given by the U.S. government to that nation.

Since this process started in 1984, the number of countries covered under this mechanism has increased. In 1986, 16 countries were evaluated on their cooperation with Washington, ten years later the same process numbered 31 countries. During the 1980s only two of the countries evaluated on anti-drug performance were de-certified, Iran and Syria. During the 1990s, Burma was added to the list because of its lack of cooperation. In 1995, the list of de-certified countries was composed of Afghanistan, Burma, Iran, Nigeria and Syria. For the first time, Colombia was added to this list In 1996.²

Since the beginning of this certification review process in 1986, Colombia is the only democracy to be de-certified. Colombia, a country that throughout the 20th century has shown itself to be an ally of the United States, is now being punished by the United States for not cooperating in the drug war. Colombia is the same country that fought to destroy the Medellín Cartel. The same country that in 1995 captured and imprisoned the leaders of the Cali Cartel, the most powerful drug mafia in the world. This same country that lost thousands of innocent and honest people in this war is now classified as a world pariah with countries like Afghanistan, Burma, Iran, Nigeria, and Syria.

After the decision of the U.S. Administration to de-certify Colombia, the psychological impact in Colombia was immeasurable. The Colombian Government was stunned and Colombia's Congress protested. A communist Congressmen even tried to burn the U.S. flag in the main senatorial room of the Congress. The industrial and commercial sectors were afraid of the economic impact of this decision. Even people who live out their lives without paying much attention to international events organized to protest an action that they considered an act of aggression by the United States Nationalist feeling that had not been seen for many years arose in Colombia.

² Juan Tokatlian, "Hacia una Nueva De-certificacion de Colombia," *El Tiempo*, Via Internet, Bogotá, September 15, 1996, p.1.

From this kind of reaction in Colombia, almost anyone can see how powerful the United States is. With one decision, the U.S. administration has completely changed the general attitude in Colombia, igniting anti-American and nationalistic feelings among a wide range of Colombian citizens. Furthermore, this decision that was so important to Colombia, received virtually no coverage in U.S. television and print media.

However, a country like the United States does not make decisions without some strategic or political objective. Despite all Colombian government's claims of honesty, corruption related to the drug trade touches all levels of Colombian society. This cancer has led some analysts and journalists to call Colombia a "narco-democracy," or "narcocracy."³ Colombia has been at least a nominal democracy since 1958. But after 40 years the nature of that democracy still in question.

The event that triggered the change of U.S. foreign policy toward Colombia is known throughout the world as the "narco-scandal." This is the investigation that in Colombia is known as the "8,000 process," and involves the payment of more than \$ 6 million from the Cali Cartel to the 1994 presidential campaign of President Ernesto Samper Pizano and various Liberal party members in Congress. This investigation proved what has been known in Colombia for decades: the narco-traffickers, in return for support from Colombian politicians, have obtained benefits, such as the end of the extradition.⁴ This double standard of the Colombian government and Colombian society is now publicly exposed. This led the Clinton administration to de-certification.

³ A scenario where the drug lords obtain sufficient sway over institutions to, in effect, run the government. Cited in Kevin Jack Riley, *The Implications of Colombian Drug Industry and Death Squad Political Violence for U.S. Counter Narcotics Policy*, RAND National Defense Research Institute, Santa Monica, California, 1993, p. 42.

⁴ The Extradition treaty was signed between the governments of United States and Colombia in September 14, 1979. The treaty became a U.S. law in March 4, 1982. The treaty was considered one of the most important tools of law enforcement before it was found unconstitutional by the Colombian Supreme Court on December 12, 1986.

C. THEORY

Before examining applicable theory it is important to describe the nature of the U.S.-Colombia relationship. According to a study conducted at the most prestigious university of Colombia, The Andes, entitled "Narcotráfico en Colombia," for the last two decades the Colombian relationship with the United States has been marked by total "dependency," especially in the field of narco-trafficking.⁵ This relationship is framed by a vicious cycle, where the United States is the largest consumer of cocaine in the world, and at the same time Colombia is the biggest producer of cocaine in the world. If the traffic of narcotics occurred only within Colombian borders, this phenomena would be described as a problem of public health and would not have dramatic international dimensions. Because of this the nature of this relationship is not that of two allies that are united to fight a common enemy. On the contrary, it is a relationship where the strongest country establishes what the weakest country must achieve in order to win the stronger country's war.

In his classic work on the subject of democracy Robert Dahl specifies three ways by which the actions, reactions, or expected actions of external actors can influence democracy in a particular country. The first way is through "manipulating any combination of variables." The second way is through "the actions of foreigners who may alter the options available to a regime without necessarily altering the form of regime." The third way is through "outright foreign domination."⁶ Examples of the second type of external influence by the United States include, denying visas to Colombian nationals, restricting U.S. citizens from traveling to Colombia, declaring cities like Medellin and Cali as places of extreme danger seriously impacting tourism into the country, restricting flights of Colombian airlines into the U.S., and more, this kind of influence have affected foreign investment in Colombia. Dahl's third

⁵ Carlos Gustavo Arrieta, *Narcotráfico en Colombia*, Bogota: Tercer Mundo Editores, 1993, pp. 18-19.

⁶ Robert A. Dahl, *Polyarchy, Participation and Opposition*, New Haven: Yale University Press, 1971, pp. 189-191.

type of option have been used successfully by the U.S. to initiate democracy in Grenada, Panama and Haiti.

The author's argument is that today, the relationship between the United States and Colombia is not framed by the second and third type of external influence. Rather, the first type of action "manipulation of variables," is the best way to understand the impact of U.S. decisions on Colombian democracy. To understand this third type of external influence, Dahl offered the most generally accepted listing of local conditions that significantly increase the chances of public contestation and democracy (or as he terms it, "Polyarchy").⁷ The combination of domestic variables include the following: (1) historical sequences, (2) the degree of concentration in the socioeconomic order, (3) the level of socioeconomic development, (4) inequalities, (5) subcultural cleavages, and (6) the beliefs of political activists. He concludes by saying that all of these variables are open to (7) the influence of foreign actors.

Other authors in the field of international relations, such K.J Holsti, offer similar characterizations:

In an age where societies are closely connected through transnational associations and networks of dependency, many purposes can only be achieved or defended by manipulating, sustaining, or altering conditions in other countries.⁸

I will apply Dahl's seven conditions to Colombia, before and after the de-certification, with the goal of identifying the most credible of the following three competing hypotheses:

- The U.S. de-certification has "undermined" democracy in Colombia;
- the U.S. de-certification has "strengthened" democracy in Colombia;
- the U.S. de-certification has not "impacted" Colombian democracy at all.

⁷ Dahl, p.32.

⁸ K.J. Holsti, *International Politics, A Framework for Analysis*, Englewood Cliffs, New Jersey: Prentice-Hall, Inc, 1992, p.116.

The careful testing of these hypotheses will permit the author to arrive at his conclusions about the impact of the U.S. de-certification on Colombian democracy.

D. METHODOLOGY AND IMPORTANCE

This thesis is a single case study of U.S.-Colombian relations, based on the author's research. Given that the de-certification of Colombia is a very recent and unprecedented event, there is virtually no literature on the topic. This thesis seeks to fill that gap in the literature. I have carefully monitoring news in Colombia and the United States press, and took a research trip to Washington D.C. and New York in October 1996, where I held meetings on the topic at the Department of State, Department of Defense, National Security Council and the United Nations Organization.

The implications of this thesis do not simply concern drug trafficking, or the relationship between a superpower and a developing nation, or drug diplomacy. This topic is important for two other reasons:

- The spread of international narcotics trafficking constitutes one of the most persistent serious challenges to U.S. foreign and domestic interests in the post-cold war era. As Secretary Warren Christopher said in his January 1995 address at Harvard University:

The need to attack international narcotics trafficking and organized crime is one of the five key objectives of our foreign policy.⁹

- The war against narcotics, including the violence and self destruction, is driving the Republic of Colombia to a point of "no return," a point where the survival of democracy is in danger.

⁹ Robert Gelbard, "International Narcotics Control Effort in the Western Hemisphere," Statement before the Subcommittee on the Western Hemisphere of the House of International Relations Committee, Washington D.C. March 29, 1995. Cited on U.S. Department of State Dispatch, Volume 6, Number 16, Bureau of Public Affairs, April 17, 1995, p.337.

E. ORGANIZATION OF THE STUDY

In the Second Chapter, the author suggests that the de-certification is not the result of a one- year process or the result of a misunderstanding between U.S. and Colombian officials or even worse the result of a bureaucratic competition between U.S. agencies for recognition and budget resources. Instead, the author argue that de-certification is the result of an historical process, a process of more than two decades of narcotics trafficking in Colombia. During this process the state and the society were not able to act promptly or with the necessary courage and values to destroy this threat from the beginning. This permissiveness gradually brought the country to the point where corruption has reached all levels of society and where the process of democratic consolidation has been seriously undermined by this scourge. Furthermore, this process has brought the country to a point at which even the institution of the presidency has been seriously threatened.

The Third Chapter describes the U.S. process of certification step by step. First, there is a brief description of certification that is complemented with the certification procedures established by U.S. law. Second, there is an explanation of the various types of certifications, this part is complemented by an explanation of the vital national interest certification received by Colombia on March 1995 because of its 1994-1995 counter-drug effort. Third, this part describes briefly the 1996 process, which countries were evaluated and its results, in this part an explanation of why Colombia was de-certify is provided. Finally, there is an analysis of the automatic and discretionary sanctions, and the implications of de-certification.

The Fourth Chapter deals with the impact of de-certification on Colombian democracy. In this chapter the author explores the democratic path of the country over the last 50 years. This background is very important because it represents a clear explanation of Colombian democratic culture. Through good and bad times, this culture has permitted the country to survive through the most difficult situations. In this part, a brief analysis of the 1953-1957 military regime is provided as well as an analysis of the National Front experience (1958-1974), which was the transition period from military to democratic rule. The second half of this chapter explores why the democratic consolidation of Colombia is in danger. By using

democratization theory the author is able to assess whether Colombia is a consolidating democracy. This section explains the different problems that Colombia as a democracy faces, problems such narco-trafficking, communist guerrillas and corruption, that according to the author seriously threatens the existence of democracy. Given the U.S. de-certification as well as the ongoing U.S. intervention in internal matters of Colombia, democracy is more volatile. This will bring the author to conclude that in this period it is possible for Colombia to start a third reverse wave of democratization; an outcome that will destroy the democratic path that was described previously. Finally there is a very important question in the field of civil- military relations that the author raises: Would a democratic or a military regime be better equipped to solve the drug problem? On the bases of democratization theory, the author concludes that a democratic regime will have a better chance of success in the drug war, especially taking into consideration the very serious internal difficulties Colombia has.

The Fifth Chapter, is dedicated to the implications of U.S. policies for Colombian democracy. The chapter explains the different political, diplomatic, military and economic means the United States has to implement its policies. It argues that despite such a variety of means, U.S. actions can lead to unintended consequences. Second, the author uses Dahl's approach, and analyzes the seven conditions favoring democracy before and after the de-certification decision was made. The purpose is to conclude whether this U.S. action will produce a positive outcome, the strengthening of Colombian democracy, or a negative outcome, the weakening of democracy. After analyzing these characteristics in a chart, the author examines four of the factors. Finally, and as a tool to arrive at the final conclusions, the author analyzes the three hypotheses that were mention in the methodology of this study. The testing of the three hypotheses permits the author to arrive at a very interesting conclusion: That the de-certification in the short term undermines Colombian democracy, but that in the long term it is possible that it will strengthen Colombian democracy.

F. LIMITATIONS OF THE STUDY

Research of the drug-related de-certification and its impact on Colombia's democracy have been difficult for the author. On one hand, there are no studies about this topic, this

especially because it is the first time that Colombia received this kind of sanction. On the other hand, as time passes, experts in the subjects are just beginning to study and write about the impact of de-certification over different areas such as the economy, the social conflict, and the drug war. Despite the lack of literature on the topic, it is motivating for the author to realize that in a recent conference held in Bogotá about the de-certification, one of the panelist presented a paper with the same title as this thesis. This shows that my perception about the impact of this sanction upon Colombia's democracy is not far from those experts in drug-related matters opinions. It also shows, that this fascinating topic marked by daily events, is just starting to provide the necessary arguments social scientist need to develop their theories. Future studies on the topic will provide a better understanding of a situation that today is perceived as a dead end.

II. COLOMBIAN PATH TOWARDS DE-CERTIFICATION

A. WHY COLOMBIA WAS DE-CERTIFIED BY THE UNITED STATES

It is almost impossible to understand why Colombia arrived at de-certification, without first taking into consideration some important historical facts in the recent past of the country. The argument of this chapter is that de-certification is not the result of whim, on the contrary, this political and economic sanction is the product of an historical process. Unfortunately, this historical process is the sad history of drugs in Colombia. A methodology to answer the question of why Colombia was de-certified by the United States, is almost like describing a very dangerous illness, from its beginnings and its root cause to its final stage. To achieve this, I will briefly analyze the background of the Colombian Mafia beginning with its first links to the marijuana business, followed by the cocaine trade. This will explain how these two illegal businesses have led Colombia into a major and violent political conflict. The drug business has brought the country to a situation in which the relations between the Mafia and guerrillas, and the Mafia and political parties, is an important part of Colombia's political equation. This will be referred to in this thesis as "the marriage between the Mafia and the political parties."

But not everything is happiness for Colombia's political parties and the Mafia, and of course, not all marriages work. The political elites understand that a full social and political assimilation of the narco-traffickers is impossible. On the other side, the narco-traffickers realize that honest people of Colombia feel repugnance for them and their business. In recent Colombian history there was a period of "divorce" between the cocaine Mafia and Colombian society. This period was one of the most painful and bloodiest in Colombia's history, and is also known as the "narco-terrorism period," (1989-1990). This period was marked by the narco-traffickers' response to the extradition treaty, which allowed Colombia to send members of the cartels to be prosecuted and incarcerated in the U.S. In this period,

violence was the result of the new Medellín Cartel's motto that described clearly their ideology "we would rather have a grave in Colombia, than a jail in the United States."¹⁰

Even though Colombia was suffering killings and bombings all over its territory, the underground corruption continued to be a tool to survive or to make money in Colombian society. Everything and everyone had a price. The politicians especially understood this, and developed all kinds of legal and illegal conditions to assimilate the narco-traffickers and their money into Colombian society. This led people like former U.S. drug czar William Bennett to say "I warned that Colombia was degenerating into a narco-democracy."¹¹ For years Colombia tolerated drug-traffickers as the traffickers quietly spread their influence through Congress, the courts, and the police.

This long process of more than two decades of violence, corruption, narco-trafficking and the struggle for power started to end on August 7, 1994, when President Ernesto Samper assumed the presidency of Colombia. Shortly after his inauguration Samper was the first Colombian president legally entangled and investigated for the infiltration of narcotics-related funds into his presidential campaign. In this case, funds of more than \$6 million were in question.

According to *El Tiempo*, the most influential Colombian newspaper: "Samper was paying for every one's broken plates."¹² The process known internationally as the "narco-scandal" and nationally as the "8,000 process,"¹³ produced a change in the easygoing attitude of Colombians towards traffickers. At the same time the "8,000 process" proved to be crucial

¹⁰ Mylene Sauloy and Yves Le Bonniec, "El patriotismo de los emergentes," *A quien beneficia la Cocaína?* Bogotá: TM. Editores, September 1994, p.54.

¹¹ Jesse Helms, "The Challenge to Colombia," *Wall Street Journal*, March 4, 1996. Cited in *Information Services on Latin America*, vol. 51, no. 3, March 1996, p.208.

¹² Mary Beth Sheridan, "Samper Scandal a Symbol of Colombia's Drug History," *Miami Herald*, November 5, 1995, in *Information Services on Latin America*, vol. 50, no. 11, November 1995, p.165.

¹³ The investigation of drug-related money on Samper's presidential campaign is called this way, simply because 8,000 was the internal number assigned to this investigation by the General Prosecutor Office.

in its effect on U.S. interests, which had been frustrated by the traffickers' ability to influence laws and win official favors in Colombia. The U.S. de-certification of Colombia was the first major international sanction that resulted from an historical process, a process in which Colombia was not able to confront with all the state power the scourge of the drug cartels, the same scourge that later would threaten Colombia's own survival as a nation.

B. THE HISTORICAL BACKGROUND OF THE PROCESS

1. The Colombian Cocaine Mafia

In the 1980s, Colombia achieved international notoriety as a major narcotic trafficking center. Nonetheless, the country's involvement with drugs is rooted farther back in history. As in Bolivia and Peru, although on a smaller scale, Colombia's indigenous populations had grown and chewed coca for a thousand years. Marijuana cultivation, in contrast, is a much more recent phenomenon. Marijuana arrived in Colombia along the Caribbean coast via Panama during the first decade of the twentieth century. By the 1930s, limited cultivation of marijuana had begun among the black population of the north Atlantic coast of Colombia. During World War II, experiments with hemp cultivation, designed to increase fiber production for the war effort, substantially expanded its cultivation.¹⁴

The real jump in Colombian marijuana production began in the early 1960s, as a result of the growing demand generated by the market in the United States. By the early 1970s, Colombia was the major supplier of marijuana, although most of the U.S. markets remained in the hands of Mexican and Jamaican traffickers. Between 5,000 and 30,000 small farmers from Colombia's Caribbean coast came to depend directly on marijuana crops for their livelihood.

The collapse of the Colombian marijuana trade might have been the end of the story, were it not for the emergence of a number of factors that contributed to the development of the cocaine market. In the early 1970s, the demand for cocaine began to expand rapidly in the United States, primarily because federal counter narcotics policies were making other

¹⁴ *Colombia: A Country Study*, Washington D.C.: Federal Research Division, U.S. Government Printing Office, 1990, p.128.

drugs, such as LSD, harder to find. In prior decades, cocaine had been an exotic drug available only to the wealthy elites. During the mid and late 1970s, both cocaine and marijuana, along with coffee and sugar, probably sustained the agricultural economy during what was otherwise a very difficult and stressful time in Colombia.¹⁵

While the demand for cocaine was undergoing rapid change, so was the supply. Cocaine provides huge amounts of revenue relative to its weight. The early participants in cocaine production recognized and exploited this fact by developing the necessary production and export capacity. The limited raw coca supplies produced in Colombia were combined with coca paste imported from Bolivia and Peru, refined in "kitchen laboratories" and smuggled into the United States. By late 1977, the U.S. Drug Enforcement Administration (DEA) had opened a file under the name of "Medellín Trafficking Syndicate." Violence was an integral part of the operations of the Medellín syndicate from its inception. As the organization grew in size, power, and wealth, it also became ruthless in consolidating its dominance in Latin America. The Medellín bosses in 1978 and 1979 turned their attention to controlling wholesale distribution in the U.S. This began a period of violence in southern Florida known as the "Cocaine War."¹⁶

By the early 1980s, marijuana trafficking was already being eclipsed by the cocaine trade in terms of the wealth and power associated with it. Cocaine also generated criminal organizations that were more profitable, more vertically integrated, more hierarchical in structure, and more ruthless in their systematic use of bribery, intimidation, and assassination than the marijuana traffickers. In 1985 the level of violence in Colombia increased due to the rise of the cocaine industry, which provoked a qualitative change in violence. Relying on paid assassins, locally known as "Sicarios," Colombia's drug lords fought not only among themselves, but also launched a systematic campaign of murder and intimidation against government authorities who would not be bribed. This enabled an effective circumvention

¹⁵ Bruce Bagley, *Coca and Cocaine*, Cultural Survival and LASP, p.89.

¹⁶ *Colombia: A Country Study*, p.129.

of the country's justice system, and the process drove scores of Colombians from all walks of life into a self-imposed exile.¹⁷

In the mid-1980s, Colombian cocaine traffickers probably earned a minimum of \$5 billion to \$6 billion yearly from sales in international markets. The Colombian Mafias were the most important actors in the cocaine trade. By their own estimates, the larger Colombian organizations account for 70-80 percent of the cocaine exported from Colombia. Because they handled some Peruvian and Bolivian exports, these organizations probably controlled 60-70 percent of the world trade in cocaine. The profits of these organizations cannot be estimated with any certainty, in part because the prices of key inputs are unknown. Chemicals and raw materials fluctuate considerably. However, experts in Colombia and the United States believe that the rate of profit ranges from 50 percent to 80 percent. Few if any products are as profitable as cocaine.¹⁸

Most of the billions of dollars earned by cocaine traffickers stay abroad in offshore havens such the Cayman Islands, Panama or in investments in foreign real estate, securities, and businesses. However, the Colombian government had maintained an unofficial policy of welcoming the traffickers' money. By the mid-1980s, the Colombian government's general posture toward the illicit drug industry had hardened considerably. After the assassination of Justice Minister Rodrigo Lara Bonilla in April 1984, President Belisario Betancourt declared drugs "the most serious problem that Colombia has had in its history" and called for a "great national mobilization" against traffickers.¹⁹

The Colombian cocaine Mafias falls into the category of what Professor Mark Moore calls "large, durable criminal organizations."²⁰ Law enforcement officials believe that

¹⁷ Rensselaer W. Lee III, *The White Labyrinth, Cocaine and Political Power*, New Brunswick, New Jersey: Transaction Publishers, 1990, p.130.

¹⁸ Lee, pp.35-50.

¹⁹ Belisario Betancourt, President's Address to the Nation, Bogota, *National Radio*, May 1, 1984.

²⁰ Mark Moore, "In America's Habit: Drug Abuse, Drug Trafficking, and Organized Crime," *Drug Policy and Organized Crime*, Washington D.C.: np., 1986, p.23.

Colombian syndicates are vertically integrated "from clandestine laboratories in Colombia to the state side distribution." However, these organizations seem to be more amorphous than criminal organizations in the U.S. or Western Europe. Their boundaries are fluid, the cast of characters changes continually, and the links in the chain are bound together in an intricate system of contracts and subcontracts.²¹

2. Cocaine Traffickers and Guerrillas

The connection between the cocaine industry and Marxist guerrilla groups in Colombia represents a continuing source of much speculation and controversy (in Washington.) Insurgents and drug dealers sometimes share the same territories, thriving in areas without strong central government control and without a naturally integrated economic structure.

On one side, in the U.S. point of view there are in fact points of contact between the cocaine industry and guerrilla organizations. However, evidence does not suggest the existence of a narco-guerrilla alliance.²² Drug dealers, especially the larger operators, hold some anti-establishment views; they are strongly anti-U.S., and they favor a more egalitarian social structure. However, as landowners, ranchers, and owners of industrial property (including cocaine laboratories), dealers are far more closely aligned with the traditional power structure in Colombia than with the revolutionary left.²³

On the other side, in the Colombian point of view, the link between subversive groups and drug traffic was factually evident for a long time. The first document produced by the Communist Revolutionary Armed Forces (Fuerzas Armadas Revolucionarias Comunistas) known by the Spanish acronym of FARC, which mention this subject openly came into a light in 1982. This document was elaborated during the Seventh National Guerrilla Conference and it contains the guiding principles assumed by the guerrillas squads (cuadrillas) regarding drug trafficking issue; in this document the cuadrillas are ordered to "preserve the balance between the production of cocaine and the family consumption

²¹ Lee, p.99.

²² Ibid, pp.12-17.

²³ Ibid, pp.158-159.

(economia familiar) crops” and carry out a special indoctrination work among cocaine-leaf raisers to have them on the side of the revolution.²⁴

The narco-guerrilla relationship is complex and sometimes mysterious; because of the guerrilla flexibility and narco-traffickers audacity it has been difficult in the past to find clear evidence on which to base an interpretation. The evidence that can be compiled through this research suggests the following considerations: First, most narcotics traffickers are not revolutionaries. They seek to buy into and to manipulate the political system, but not to change the system in any fundamental way. A 1984 manifesto of 100 Colombian Mafia leaders declared:

We have no connection with, nor do we accept any such connection with armed guerrillas. Our activities have never been designed to replace the democratic and republican form of government.²⁵

Second, the relationship between traffickers and the revolutionary left is probably more hostile than cooperative. The more mature and better funded the trafficking organization, the less likely it is to collaborate with guerrillas. Narco-guerrilla conflicts tend to revolve around issues such as territorial control, relations with the coca-growing peasantry, and the distributions of the economic benefits of the drug trade. In Colombia, guerrillas have attacked traffickers' laboratories, ranches, and farms, and have kidnaped members of their families. Traffickers have retaliated in a variety of ways: by organizing rural self-defense groups, by massacring peasant villagers who appear to support guerrillas, and by exterminating visible members of the extreme left in the cities.²⁶

²⁴ “Information About Drug Trafficking,” Colombian Army Intelligence Document, Comado del Ejercito Nacional, Bogota, June 1996, p.6.

²⁵ “Text of Drug Traffickers, Terms of Ending Activities,” *El Tiempo*, Via Internet, Bogota, July 7, 1984, p.5.

²⁶ Merrill Collett, “Colombia’s Drug Lords Waging War on Leftists,” *The Washington Post*, Washington, November 14, 1987, pp.14A, 22A.

Third, some insurgent organizations finance their activities in part by taxing the cocaine industry. However, they have been more successful in taxing the upstream phases of the industry (cultivation and low-level processing), rather than the more lucrative downstream phases (refining and exporting). Guerrilla organizations such as the Communist Revolutionary Armed Forces (Fuerzas Armadas Revolucionarias Comunistas) known by the Spanish acronym of FARC²⁷ in effect control the dregs of cocaine trade; the more profitable ends are mostly in the hands of powerful trafficking syndicates. Such syndicates apparently have the resources and the weaponry to protect their refining and export operations against predatory guerrilla groups.

Fourth, the financial relationship between the cocaine industry and insurgent groups has been characterized as an alliance, but this is an overstatement. Guerrilla groups attempt to exploit all production assets in territories under their control. They extort ranchers, farmers, merchants, and even foreign multinationals whenever they see the opportunity.

Fifth, guerrilla organizations in Colombia have built a base of political support among the coca-growing peasantry. Guerrilla organizations such as Colombia's FARC play on growers' hostility toward the U.S.-favored eradication campaign, which directly threatens the livelihood of many campesinos. Guerrillas also exploit the peasantry's resentment against cocaine middlemen, who by many accounts bully farmers into accepting rock-bottom prices for their coca leaves and coca paste. For most cocaine barons, the narcotics industry represents a way to acquire wealth and social status, not an instrument of revolutionary change.

Finally, in addition to the last five important considerations, I will argue that, with the end of the Cold War, today it is more evident that narco-trafficking filled the guerrillas' financial vacuum produced by the suspension of the Soviet and Cuban aid. In drug production and trafficking the guerrillas found a more profitable source of financing. This

²⁷ The most important and largest guerrilla group of Colombia. Led since 1949, by the oldest guerrilla leader of the world Pedro Antonio Marin, known as "sure shot" (tirofijo). This group is considered today by the Colombian military the third cocaine cartel of Colombia.

is evident not only because most of the illicit crops growth in the guerrillas' area of influence, but also, because of the unprecedented 1996 civil protests that the FARC promoted among all peasants involved in production. This revolt represented not only a clear signal of the guerrillas' popular control, but also, the violent reaction of a group that was seriously wounded in its finances by the eradication campaign and the massive military involvement in this task.

3. The Mafia and the Political Parties

The ideological split dividing the political elites of Colombia began in 1810 and became solidified by 1850 with the official establishment of the Liberal Party (Partido Liberal-PL), and the Conservative Party (Partido Conservador-PC). The Liberals were anti-colonial and wanted to transform Nueva Granada²⁸ into a modern nation. Those who joined the PL primarily came from the more recently created ascending classes and included; merchants who advocating free trade; manufacturers; artisans anxious to increase demand for their products; some small land owners, and agriculturists endorsing a liberalization of the state monopolies on crops such as tobacco; and slaves seeking their freedom. The Liberals also sought decreased executive power, separation of church and state, freedom of the press, education, religion, and business, and elimination of the death penalty.²⁹

The Conservatives wanted to preserve the Spanish colonial legacy of Roman Catholicism and authoritarianism. They favored prolonging colonial structures and institutions, upholding alliances between church and state, continuing slavery, and defending the authoritarian form of government that would eliminate what they saw as an excess of freedom. The PC grouped together slave owners, the Roman Catholic hierarchy, and large landholders. Campesinos were divided between the two parties, their loyalties following those of their employers or patrons. In contrast to the unity demonstrated by the PC, the PL developed factions from the start. Because of a weak military establishment and the history of violent interaction between

²⁸ Nueva Granada, was a unified country formed by the later states of Colombia, Venezuela and Ecuador. This unified Country was the life dream of Simon Bolivar, who fought for the independence of the Nueva Granada from Spain.

²⁹ *Colombia: A Country Study*, p.23.

them, the two political parties established in the nineteenth century in Colombia became functional alternatives of segmental divisions along religious, linguistic or ethnic lines present in plural societies. Although the two parties initially represented distinguishable ideological differences, they did not come to divide the country by class or region, as party members could be found in all classes and concentrated in communities in all regions of the country.³⁰

For the last two decades, members of these two political parties have had a strong relationship with the cocaine Mafia. These members have received narco-traffickers support, in order to acquire the necessary economic resources to manage their voters and divide the benefits of the bureaucracy. In the past, especially the PL accepted into its ranks those generous representatives of the emerging class such Carlos Lehder and Pablo Escobar. In Colombia, cocaine dealers attempted to purchase political power, contributing massive sums to presidential and congressional political campaigns and even offering the government huge cash loans.³¹

4. The Marriage Between the Mafia and the Political Parties

To understand the narco-traffickers' political strategy it is important to keep in mind that the Colombian Mafia grew up around a familiar local nucleus of political parties. During the traffickers' development, they were involved with agents from the local political parties, the local and regional economic groups. These are the same people that began to ascend into the state and national spheres. With this kind of process going on in the country, it is hard to understand why the people of Colombia were shocked when some individual members of the Cocaine Mafia pretended to be allied with traditional politicians in order to be included in the Senate or the House of Representatives; or, when the traffickers attempted to create their own political movements.³²

³⁰ Jonathan Hartlyn, *The Politics of Coalition Rule in Colombia*, Cambridge: Cambridge University Press, 1988, p.51.

³¹ *Colombia: A Country Study*, pp.18-19.

³² *Ibid*, pp.33-37.

One of the pioneers in the massive export of cocaine into the United States, was Carlos Lehder, who was also one of the first narco-traffickers to develop a political platform. This summarized the interest of the narco-traffickers, their own logic, and their vision of the society. In Lehder's words:

Our objective is anti-imperialist and anti-oligarchic, the revolution of Latin America could happen thanks to the Coca, because Cocaine is the Atomic Bomb of Latin America.³³

Until this stage the narco-traffickers had been content to finance the political campaigns of candidates who agreed to support their interests. In 1982, Lehder started the "Latino National Movement" (Movimiento Latino Nacional) which would later change its name to "Latino Socialist Movement" (Movimiento Latino Socialista), thanks to the advice of one of his friends, a sympathizer of the M-19 guerrilla group.³⁴

Lehder's ideology was a curious mix of extremism that was borrowed from both the left and the right. The MLS opposed "communism, imperialism, neocolonialism, and Zionism" and also maintained that "We are Catholic, Apostolic, and Roman." Lehder and his followers preached a Latinized version of Hitler's master race theory. Admiration for Hitler, "the greatest warrior of all time," was coupled with the belief in Latin superiority. At the same time, Lehder played to the extreme left. He talked in interviews about starting a "dialogue" with the leaders of the M-19 movement. Confidential Colombian police reports say that the M-19 guerrillas served intermittently as part of Lehder's personal guard force.³⁵

One of the first actions of the MLS was to buy the newspaper *Free Quindio* (Quindio Libre), which had a circulation of more than 60,000. The circulation was primarily in the

³³ Sauloy and Le Bonniec, pp.28-33.

³⁴ The April 19th. Movement (Movimiento 19 de Abril), a pro Cuban-Nationalist orientation guerrilla group, especially oriented toward urban type of operations. Cited in Sauloy and Le Bonniec, p.29.

³⁵ Lee, pp.114-116.

coffee region. From this platform, Lehder openly attacked the "Extradition Treaty," the traditional political class and the private banks. One of his regular declarations synthesized his thinking:

The extradition treaty is a case that violates the free auto-determination of people, the national sovereignty and the most evident case of an external intervention. We oppose the extradition of Latin-Americans and of Colombians to the imperialistic demands. We not only oppose. We will fight against it with our weapons, our ideology; with our weapons that are love, peace, education, culture and eventually our finances.³⁶

At the same time, the MLS was stepping into the political arena in the coffee zone, in the city of Medellín another movement arose called the "Liberal Renovation Movement" (Movimiento de Renovación Liberal). The MRL was founded and directed by Pablo Escobar Gaviria. This movement was oriented to the young members of the Liberal Party. Its objectives were to fight against political corruption, and for the independence of Antioquía.³⁷ Escobar was taking advantage of the popularity he obtained by absorbing many social responsibilities through the corporation Medellín Without Slums (Medellín sin Tugurios), which organized public meetings during the weekends and constructed cheap houses to help the poor communities of Medellín. Because of this he was nick-named "the Robin Hood Paisa."³⁸ He also founded a newspaper called *Civic Medellín* (Medellín Cívico), that helped support his actions, and also propagated anti-imperialist sentiment and hostility against the political elites. Escobar's popularity and position reduced seriously the prestige of the local candidates.³⁹

³⁶ *Quindío Libre*, Armenia City, September 10, 1883, p.1.

³⁷ Antioquía is the biggest and wealthiest state of Colombia. Its capital is the city of Medellín.

³⁸ Darío Betancourt and Martha García, *Contrabandistas, Marimberos y Mañosos, Historia social de la mafia en Colombia*, Bogotá: TM Editores, 1994, p.160.

³⁹ Sauloy and Le Bonniec, p.32.

Escobar's name was the second on the list of candidates for the House of Representatives by Jairo Ortega of the New Liberalism Party.⁴⁰ As a result, Ortega was expelled from the party by Luis Carlos Galán,⁴¹ even though they both managed to be elected independently. Later, in the Congress, with different debates promoted by the New Liberalism, the House of Representatives achieved the removal of Pablo Escobar, in part because of a process that the Tenth Superior Judge of Medellín was pursuing against Escobar for the killing of two security agents.⁴²

From the cases of Carlos Lehder and Pablo Escobar it can be concluded that the cocaine Mafia supported their actions on a social base, and have been successful by helping and influencing those sectors where the state and the traditional elites are least effective. For the drug lords, winning social respect, support of the different sectors and the political elites of every town and "pueblito" has been a major obsession. They cannot remain content with clandestine actions, isolated from society and in a constant condition of anxiety.

To understand the political success of the narco-traffickers, it is important to understand the nature of Colombian society. In the words of the economist Jorge Gaitán:

Colombia is a country that isolated itself, it is frozen in the nineteenth century and was not able to construct a modern society: Its Judicial frame is out of fashion; its institutions usually follow the French pattern but are not adapted for the life of the country, it is schizophrenic. The most unequal society in Latin America after Brazil. The most elitist, the most hierarchist and classiest,...⁴³

⁴⁰ New Liberalism was a fraction of the Liberal party directed by Luis Carlos Galan, the same party that directed the greatest opposition against narco-trafficking in Colombia.

⁴¹ One of the most important figures of Colombian politics during the twentieth century. He was head of the New Liberalism Party, with one of the strongest positions against narco-trafficking. He was assassinated by the Medellín Cartel while he was campaigning for the presidency in Soacha, Cundinamarca, August 18, 1989.

⁴² Arrieta, pp.226-229.

⁴³ Sauloy and Le Bonniec, p. 33

and he continues

Colombia is a country where there is no social mobility. Drug trafficking can be some type of sick answer in a very rigid structure that allows one to jump the different phases of the social promotion.⁴⁴

The steps that the narco-traffickers took were inside the political arena, in which only the traditional elites were able to manage the political life of the country. These steps were not just the result of intimidation and corruption. The narco-traffickers have also been served by the different governments since the first administration of the National Front in 1958. Due to the influence of the narco-traffickers in political life, each government has orchestrated different policies with specific laws that permit some favorable conditions for the drug cartels. These actions have led the country to the political instability and internal conflict that exist in 1996.

Campaign contributions are one of the ways that the drug Mafias seek to extend their influence in the political realm. Such contributions do not in themselves ensure influence, but nevertheless constitute a hold of sorts over the office holders. The more open the Mafia's funding or, at least the more visible the candidate, the greater the likelihood of compliance. Drug money pervades Latin American politics in general, but the best documented cases are in Colombia. According to a November 28, 1983 *Wall Street Journal* article, an estimated \$1 million in narcotics money supported candidates during the 1982 congressional campaigns.⁴⁵

But the history of these underground relations between the narco-traffickers and the traditional political elites starts sometimes with narco-contributions and in other cases with political favoritism that is very well concealed under the text of a new law. The first

⁴⁴ Ibid.

⁴⁵ Stanley Penn, "Colombia's Drug Kings Move Freely," *The Wall Street Journal*, New York, November 28, 1983. Cited in *Information Services on Latin America*, vol. 27, No. 05, November 1983, p.455.

president elected in the post-National Front period was Alfonso Lopez Michelsen (1974-78). He faced for the first time the threat of the narco-traffickers. Although he did not view drug trafficking as a serious threat at the beginning of his administration, by 1978 he recognized the ruinous impact that the drug industry was having on the political and economic structure of Colombian society. Corruption financed by the drug rings permeated all levels of the political system.⁴⁶

It was during this period that the government's response to the tremendous influx of illegal dollars into the country was an official policy or practice referred to in Colombia as the "sinister window" (ventanilla siniestra). The Bank of the Republic was directed to accept money from any source with no questions asked. As a result, Colombia became one few countries where the black market exchange rate for the dollar was below the official price.⁴⁷

The next government was under President Julio Cesar Turbay. He was well known because during his political campaign he looked for the support of the "emerging class." During his administration, one of the most important bastions of the Liberal party was the National Association of Industries ANIF (Asociacion Nacional de Industriales), led by Ernesto Samper, which had proposed to legalize marijuana. The next president was Belisario Betancourt (1982-86), who signed a law of "Patrimonial Amnesty" by which the legitimacy obtained with this economic amnesty allowed the drug traffickers to enter into institutional politics. While the drug lords limited their actions to taking advantage of the market economy, they also generated foreign exchange and invested in the country. At the same time, the elites focused on how to assimilate the traffickers. However, while the leaders of the country agreed without much controversy to permit the return of this capital, they also understood that a full social and political assimilation of the narco-traffickers was impossible.⁴⁸

⁴⁶ *Colombia: A Country Study*, p.50.

⁴⁷ Bruce Porter, *Cocaina*, Bogota, Intermedio Editores, 1994, p.26.

⁴⁸ *Ibid*, p.73.

5. The Extradition

Extradition treaties are, in the simplest terms, contracts or agreements where both (or all) parties have the same expectation. In traditional extradition proceedings, one country forwards a formal request pursuant to the terms of their treaty for the production of a person to stand trial in the requesting nation. The requested nation then complies with the request, the expectation being that those persons accused of a crime will be returned to the site of the alleged criminal act. If the crime was committed against a citizen (or property) of a nation but not within the nation's territory, the defendant would be sent to the country of the victim's citizenship. The rationale is that a nation suffers an injury when one of the citizens is attacked inside or outside its territory, and, therefore, has the right and obligation to extract the criminal penalty due.⁴⁹

At the end of the 1970s, and as part of one of the largest programs to fight narcotics at the international level, the U.S. started to negotiate a new and more explicit extradition treaty with the most important countries in the distribution of illicit drugs in Latin America, the Caribbean and South East Asia.⁵⁰ One of the countries on which the U.S. focused was Colombia, due to its powerful cartel organizations. On September 4, 1979, the extradition treaty between the United States and Colombia was signed. This treaty is known as "Vance-Barco" because it was negotiated and signed by Cyrus Vance, the U.S. Secretary of State, and Virgilio Barco Vargas, Colombian Ambassador to the U.S. Later the treaty was approved by the Colombian Congress and became Law 27 of 1980.

The 1979 U.S.-Colombian treaty was an obviously important tool of drug enforcement. The purpose of the instrument, as one DEA official in Bogotá put it, was to show that there is "No safe heaven in Colombia" for traffickers who violate the U.S. drug laws. After the

⁴⁹ Richard Allan, "Political Considerations and Extradition," *Terrorism: Pragmatic International Deterrence and Cooperation*, Boulder, Colorado: Institute for East-West Security Studies, 1990, pp.30-33.

⁵⁰ Jimmy Carter, *Published Papers*, 1977, pp.1399-1403, The U.S. war against narcotics intensified after President Carter in his message to the Congress in 1977, defined the use of illicit drugs as a major social problem.

death of Justice Minister Rodrigo Lara Bonilla in April 1984, the Colombian Government cooperated up to a point in implementing the treaty. By June 1987, when the treaty ceased to be operative, the U.S. had submitted 140 extradition requests for drug trafficking and related offenses: 24 of these requests had been approved, and 16 persons (14 Colombians and two foreigners) had actually been extradited.⁵¹

The poor performance of the treaty stems from Colombia's porous system of criminal justice. The system convicts only a small percentage of those tried for narcotics offenses, and those who are convicted generally tend to be the "small fries." The drug Mafia's use of bribes and threats successfully neutralizes many judges. Judges are sometimes poorly trained, the judicial system is overloaded, and drug crimes may be reduced to misdemeanors to expedite cases and get people out of jail. Fernando Cepeda, former Dean of the University of the Andes and former Minister of the Barco Administration, strongly favored extradition as a counterweight to Colombia's judicial system, which he described as "a Disaster."⁵²

The *El Tiempo* columnist Roberto Posada Garcia-Peña (D'Artagnan) called extradition:

...the only way to convince the North American people that we are in a struggle to the death with the Mafia and are not tolerating its actions and incursions.⁵³

Other notables such as the director of *El Espectador*, Guillermo Cano, favored application of the treaty because of the pervasive corruption of the judiciary in Colombia, which allows drug criminals to operate with impunity.⁵⁴

Yet, many Colombians see extradition as an example of "Colonial" justice and renunciation of sovereignty. Opposition has been widespread and sometimes violent. The

⁵¹ Lee, p.211.

⁵² Ibid.

⁵³ Roberto Posada (D'Artagnan), "Colombia: asi nos ven," *El Tiempo*, Via Internet, Bogota, September 7, 1983, p.5.

⁵⁴ Guillermo Cano, "Libreta de Apuntes," *El Espectador*, Via Internet, Bogota, January 20, 1985, p.4.

narcotics lobby mounted an intense propaganda campaign against extradition and may well have resorted to stronger measures. Colombian Supreme Court justices received anonymous threats that they would be killed unless they declared the treaty unconstitutional. Government officials received death threats for implementing the treaty. It is important to note, however, that anti-extradition sentiment was not just confined to the ultra nationalist fringe. Many people took a stand against the treaty: distinguished jurists, leaders of Colombia's two major labor unions, prominent writers and journalists, congressmen, and even government officials.⁵⁵

In January 1985, a report on *Noticiero TV-Hoy* in Bogotá showed three extradited Colombians being delivered to Miami Federal Court in handcuffs, chains, and leg irons. The image of the three traffickers "Chained like beasts" in the words of *Semana* magazine, provoked wide public outrage as well as official protests from Colombia's Foreign Minister. The focal point for opposition within the Betancourt administration was the Attorney General, Carlos Jimenez Gomez, who wrote a letter to President Betancourt in November 1984 saying that:

Colombia must neither practice nor allow the surrender of its nationals to foreign justice.⁵⁶

Jimenez petitioned the Colombian Supreme Court on eight separate occasions, each involving an extradition case, to declare the treaty unconstitutional. In four cases, Jimenez argued that the treaty violated Colombian sovereignty and in four others, challenged the instrument on various technical grounds.⁵⁷

By the late 1980s, a loose coalition of about twenty Medellín-based cocaine-trafficking families or syndicates, known collectively as the Medellín Cartel, had demoralized

⁵⁵ Lee, p.212.

⁵⁶ "Por Octava vez el Procurador Pide Tumbar la Extradicion," *El Tiempo*, Via Internet, Bogota, October 10, 1985, p. 4.

⁵⁷ Ibid.

Colombia's judicial sector with narcotics-related corruption and had virtually paralyzed it with a campaign of terrorism and intimidation. Operating with considerable impunity, the Colombian drug barons arranged for the murders of more than 50 magistrates, including a dozen Supreme Court judges between 1981 and 1988. The "Extraditables" (Los Extraditables), the name adopted by the cartel drug lords, also financed the assassination by hired killers of government and judicial officials who favored compliance with the bilateral extradition treaty.⁵⁸

The drug traffickers feared extradition to the United States, where they were more likely to be convicted. Their victims included Justice Minister Rodrigo Lara Bonilla, murdered by the Medellín cartel; his successor as justice minister and Ambassador to Hungary, Enrique Parejo Gonzalez, who was seriously wounded in an assassination attempt in Budapest in December 1986; and Attorney General Carlos Mauro Hoyos Jimenez, who was assassinated in Medellín on January 25, 1988. On December 12, 1986, the plenary Committee of the Supreme Court ruled that Law 27 of 1980 was unconstitutional. This law approved the already ratified 1979 extradition treaty. The ruling broke with a seventy-year majority opinion that a law approving an international treaty could not be subjected to constitutional revision.⁵⁹

Since then, extradition have been a central topic of the U.S.-Colombian relationship. On one side, the U.S. have tried to apply all the necessary pressure to see this treaty implemented again. This especially because of the well known weaknesses and vulnerabilities of Colombian judicial system, represented in short sentences, soft economic penalties and a weak jailing system. On the other side, since 1991 a new Constitution was put into effect. It was the product of a Constitutional Assembly (Asamblea Constitucional). This constitution clearly established that the extradition of Colombians to be prosecuted in another country was against the law. Because of this, the only way extradition can be applied again is if the Colombian Congress produces a Constitutional Reform (Reforma Constitucional). The

⁵⁸ Lee, p.213.

⁵⁹ Ibid., p. 214.

procedures established by the same constitution in order to change the written text of it, are complicated and demand a very strong governmental and judicial pressure as well as Congressional debate.

Today, the extradition issue is more complicated than ever before, especially because on the one hand, the U.S. Government has sent strong and clear signals through its Ambassador in Bogotá Miles Frechette saying that extradition will be the most important fact in order to avoid a 1997 de-certification as well as economic sanctions. On the other hand, the Colombian Congress is studying the topic and its implications very slowly and carefully, trying to show that they do not act on U.S. pressure, and developing a sick nationalistic posture around this topic. This type of behavior is due to a real and permanent fear of narco-terrorism, that can clearly be one of the narco-traffickers responses, but especially because of the U.S. posture over the narco-scandal process in which the Clinton administration publicly condemn the results of the Congressional inquiry against President Samper by saying that the Colombian Congress was clearly corrupted and incapable of fighting against drug traffickers.

6. Corruption

The cocaine Mafia has been called a "Clear and present danger to the survival of democratic institutions," and a "first-order geopolitical threat." Such characterizations, however, are not entirely accurate. Unlike guerrillas, whose objective is seizing power, traffickers are not ultimately interested in destroying the social order that nurtures them. Just like mafia organizations elsewhere, the Colombian mafia basically seeks to prosper commercially without being disturbed. However, when an industry as large as the cocaine industry searches for protection, corruption is spawned on a massive and unprecedented scale. Cocaine traffickers have been brought into the political system and can successfully manipulate key institutions - the political parties, press, police, and judiciary.⁶⁰

Cocaine traffickers use combinations of the carrot and stick to influence drug enforcement policies. The Colombian Mafias use coercive tactics against officials who are

⁶⁰ Helms, p.208.

“uncooperative” or who publicly condemn their activities. Yet, traffickers prefer to use financial blandishments - bribes, donations, and charitable activities to achieve their ends. Money is by far the Mafia’s most important political weapon; with it, the Mafia buys protection from law enforcement officials, corrupt the political establishment, and builds a public following, especially among poorer classes. Violence is usually the last resort - that is, it is used against the policeman, judge, or politician who cannot be bought. Yet, Mafia-sponsored violence against government and judicial representatives have been a common feature of the Colombian political scene.⁶¹

According to the U.S. Ambassador to Colombia, corruption is the greatest single impediment to a successful on counter-narcotics effort in Colombia.⁶² Today, high-level government officials, members of congress, judicial officials, and government functionaries are under investigation for corrupt activities. Corruption, narcotic interests, with their vast sums of illegally acquired funds, are influencing the political, judicial and legislative processes. Narco-corruption of the Colombian Congress continues to be a problem. There are continuing allegations of the Cali Cartel influence over members of Congress. In late September 1994, the senior Drug Enforcement Administration (DEA) agent in Colombia, Mr. Joe Toft, publicly asserted that some 50 to 75 percent of the Colombian congress are under the influence of the drug cartels.⁶³

The Mafia’s power is extraordinary. Enrique Parejo, Colombia’s Minister of Justice under Belisario Betancourt, remarked:

⁶¹ Arrieta, p.222.

⁶² Joseph E. Kelley, “Drug War, Observations on U.S. International Drug Control Efforts,” United States General Accounting Office, Washington D.C., August 1, 1995, p.9.

⁶³ Mary Beth Sheridan, “Tainted Donations Date Back 13 Years in Samper Campaigns,” *The Miami Herald*, November 6, 1995. Cited in *Information Services on Latin America*, vol. 50, no. 11, November 1995, p.166.

...at one time or another, in one way or another, all state organizations suffered the corruption of narcotics traffickers.⁶⁴

President Belisario Betancourt called the cocaine mafia:

...an organization stronger than the state.⁶⁵

Today the problem of narco-related corruption is one of the biggest problems that undermines Colombia's development. The challenge is for the Colombian people to rid their system of narco-corruption and save their democracy. Colombians are justifiably proud of their democracy, but it has in recent years been riddled from top to bottom with the corruption influence of drug money. This narco-corruption is a threat to both the rule of law in Colombia and to the vital interest of the U.S.⁶⁶

7. The Ernesto Samper Government

President Ernesto Samper Pizano forms part of a new generation of Colombians who, with an ambitious vision of change, burst into politics in the last decade. Shortly after Ernesto Samper's election to the presidency in May 1994, credible allegations surfaced that his campaign had received up to \$6 million in contributions from the Cali Cartel. Cassette recordings of conversations between a Colombian journalist and a Cali leader discussing drug cartel contributions to Samper's presidential election campaign became public. U.S. officials did not dismiss the charges and said that they were looking into them. President-elect Samper promised his own investigation into his campaign finances. Colombia's Attorney General verified the authenticity of the so-called narco-cassettes; however, he

⁶⁴ "Colombia's Parejo: Narcotics Traffickers Winning," *Bogotá Television Service*, Bogota, April 4, 1986.

⁶⁵ Lee, p.102.

⁶⁶ Helms, p.208.

insisted that the tape only demonstrated that a contribution was offered, not that it was accepted, and thus, the Liberal Party was absolved of any wrongdoing.⁶⁷

During his inauguration address on August 7, 1994 in Bolívar Square Samper stated:

The struggle against drug trafficking, corruption and organized crime will continue to have priority concern during my administration. We fight and will continue to fight drug trafficking for conviction, for the serious harm it has caused upon the Colombian society, for its impact on our institutions and because we share the universal desire that there be a youth free from the threat of narcotics.⁶⁸

The same day he said that the operations against the cartels would continue, and that his government was planning to extend the struggle to the economic front by fighting money laundering.

On February 6, 1995, at the same time that President Samper presented the results of the drug war during the first six months of his administration, he announced the new Colombian strategy against drugs. In his words:

The extension of the challenge outlined by drug trafficking, demands an integral policy to fight it. We cannot continue the game of actions and reactions, full of doubts and uncertainty on the effectiveness of what we are doing.⁶⁹

The government's integral policy was composed of ten major strategies: crop eradication, alternative development plans, attacking industrial drug production, drug distribution, money laundering, the threat of local consumption, law enforcement and surrender to justice,

⁶⁷ Sheridan, p.164.

⁶⁸ Ernesto Samper Pizano, "The Time of the People", Inauguration Address of the President, Bogotá, Imprenta Nacional de Colombia, August 7, 1994, p.10-12.

⁶⁹ Ernesto Samper Pizano, "Colombia's Policy Against Drugs," Address at the presentation of the Policy Against Drugs, Bogotá, Presidencia de la Republica, Office of the President, February 6, 1995, p.36.

changes in justice administration, persecution to the cartels, and international participation and responsibility.⁷⁰

Unfortunately for President Samper, at the same time he was taking major actions against the cartels a major political scandal was starting when his campaign treasurer was arrested in July 1995. Stunning the nation, Santiago Medina testified that the Samper campaign had received at least \$6 million from the Cali Cartel, perhaps half the campaign budget. In exchange he said, Samper promised to ease conditions for the surrender of the drug lords.⁷¹

Samper has responded to allegations about drug money in his campaign by pointing to his government crackdown on the cartel, launched last spring. He told Cable News Network CNN in an interview in August 1995:

If this infiltration (of drug money) happened, in no way - I repeat - no way did this compromise the political will of my government in the fight against drug trafficking.⁷²

At the time President Samper was giving this interview, he had the following record against drug trafficking that strongly support his argument:

- An unprecedented crackdown on the Cali Cartel put the six top kingpins behind bars and effectively dismantled the world's most notorious criminal organization.
- During 1995, Colombia destroyed more than 65,000 acres of coca and poppy crops as part of the hemisphere's most ambitious drug-crop eradication program ever.
- The government took strong military action to eliminate large-scale trafficking on San Andrés Island, once a major transshipment point for drugs.
- Authorities shut down more than 380 labs, stepped up interdiction of drug shipments, and targeted the precursor chemicals used to make drugs.

⁷⁰ Ibid., pp. 36-40.

⁷¹ Sheridan, p.164.

⁷² Ibid.

- Finally, on June 1995 President Samper signed Colombia's first law against money laundering.⁷³

Even though the results from the Colombian point of view were important, a new development occurred. In August 1995, Fernando Botero, the manager of President Samper's 1994 election campaign and formerly his Defense Minister, was arrested shortly after his resignation in connection with charges that the campaign was financed by contributions from narco-traffickers. In December 1995, President Samper was absolved of personal responsibility in accepting narco-contributions by the Congress Accusations Committee. At the time this decision was made no further evidence implicated President Samper in the scandal. But after a few months in jail, and especially when former Minister of Defense Botero realized that his personal judicial situation was getting worse, he decided to publicly contradict what he has been denying for months: President Samper knew and approved the narco-contributions to his campaign. This action was considered a major event in the course of the narco-scandal and as a result of this a second congressional inquiry was opened amid considerable public discussion over its ability to carry out a viable proceeding.

Since Colombia was de-certified by the U.S. on March 1996, Samper has been accused by Colombia's Chief Prosecutor Alfonso Valdivieso of accepting more than \$6 million in contributions from the Cali cartel. He also has been under daily attack by the national and international press. Even with half of the country against him, Samper is still politically alive. A description by Ramon Mestre a member of the Miami Herald editorial board, given months ago, can be used to described the Colombian President's political ability:

Ernesto Samper skillfully has survived several political earthquakes while sidestepping the cracks in the earth that are opening around him.⁷⁴

⁷³ Sonia Duran de Infante, "Samper's Drug Fight, Campaign are Clean," *Miami Herald*, November 14 1995. Cited in *Information Services on Latin America*, vol. 50, no. 11, November 1995, p.170.

⁷⁴ Ramon Mestre, "Prudence in Colombia," *Miami Herald*, March 22, 1996. Cited in *Information Services on Latin America*, vol. 50, no. 11, March 1996, p.203.

President Samper survived two inquiries by the Colombian Congress Accusations Committee. When the second investigation concluded and he was found for a second time not guilty, the investigation was finally closed, receiving major congressional support. After this event, in mid-June 1996, President Samper announced major changes in Colombian posture against narco-trafficking, most of them favoring U.S. strategies. With this decision he was trying to convince the Clinton administration, that despite the 1996 drug de-certification, Colombia would be fully cooperative with the U.S. on the drug war, and in this way a 1997 re-certification of the country could be achieved.

Although the congressional inquiry declared President Samper innocent of knowing about the infiltrations of \$6 million in his campaign, the U.S. response to this Congressional verdict was to cancel the President's visa to enter into the United States to publicly disqualify this decision. On one side, this action seriously affected the image of Colombia overseas, decreasing international legitimacy to his government and weakening Colombia's posture in all the international forums and organizations. On the other side, the U.S. response helped the President locally, creating a stronger anti U.S. sentiment, generated more popular support for his government (his image rose 15 percent), a support that he was needing at the very moment the regime legitimacy was in question in the middle of a severe instability crisis.

In September 1996, President Samper received a special permit to be able to visit the United Nations in New York for the annual address, where he proposed an unprecedented agenda for global action against illegal narcotics. The Samper plan calls for the creation of a group of experts to develop a timetable and action plan. The six issues that President Samper highlighted for consideration by world leaders were the following:⁷⁵

- Economic and social initiatives to support drug substitution.
- Control on the trafficking of chemical precursors and arms.
- Mandates to control money laundering.

⁷⁵ Barbara Crossette, "War on Drugs Urged at U.N. By President of Colombia," *The New York Times*, New York, September 24, 1996, p.A-5.

- Worldwide intelligence agreements for cooperation against the drug trafficking network.
- Programs to effectively curb demand.
- A global treaty of judicial cooperation.

The U.S. State Department's response to the Colombian President's address at U.N. clearly reflects the impression the Clinton administration has about the Samper's administration:

Colombia needed to think less about international solutions and more on its internal mess.⁷⁶

Today, it is clear that the relationship between the Clinton and Samper administrations is not the best. As a result of this, in a recent forum of academics and experts on the topic held in Bogota, they warn about the high probability that exists for a new de-certification in March 1997, this time with economic sanctions.⁷⁷ This is in part because the new certification depends on the Colombian Congresses' actions by re-establishing extradition and creating stronger laws against narco-traffickers. It is evident that until now there is not a clear movement in this direction.

The sad history of drugs and politics, of violence and self-destruction have been the path that brought Colombia to de-certification. De-certification is the result of this historical process. Although the U.S. de-certification has not caused a major impact yet, in part because the U.S. did not want to, it is also clear that this sanction has a major impact on Colombia's democracy, image and credibility. This international sanction was the dividing point of Colombia's present history. The author argues that the study of the country will be divided from now on, as the events before and after the de-certification. For a better understanding of this topic, in the next chapter the author explains what is de-certification.

⁷⁶ Ibid.

⁷⁷ "Academicos Advierten Sobre Decertificacion," *El Tiempo*, Via Internet, Bogota, October 29, 1996, p.1.

III. THE DE-CERTIFICATION

A. WHAT IS DE-CERTIFICATION?

The annual certification is a process managed by the Office of the Assistant Secretary for International Narcotics and Law Enforcement of the Department of State. It is important to understand that this process is not simply a one day or even a one month event. On the contrary, it is the product of a careful study in which the individual country's results are taken into account. The U.S. government works with those countries that must be certified each year, making clear U.S. expectations, providing assistance when appropriate, and alerting them to problems. The standards are very high because they have to be, and other governments know this. The Foreign Assistance Law written in 1961 is very clear. Even so, the U. S. President's final certification decisions are difficult because they demand frank and honest assessments of the performance of other governments not individuals, not bureaus, but entire governments.

According to Ambassador Robert Gelbard, Assistant Secretary for International Narcotics and Law Enforcement of the Department of State:

The certification is one of the most powerful tools the President of the United States has to focus international attention on the narcotic's threat and achieve results. The Foreign Assistance Act requires that each year the President identify the major drug-producing and drug-transit countries and determines whether they have fully cooperated with the United States or taken adequate steps on their own narcotics control. The United States must cut off most foreign assistance to those countries that they do not certify and vote against their request for loans from multilateral banks.⁷⁸

The certification procedure was written in the Foreign Assistance Act of 1961, as amendment (22 U.S.C., section 2291). The law clearly specifies what type of actions the U.S. considers to be cooperative with its own policy against narco-trafficking. These actions are described

⁷⁸ Gelbard, pp.337-342.

in Section 490 A. Annual Certification Procedure After September 30, 1995. Among those actions we can mention:

- By satisfying the goals agreed to in an applicable bilateral or multilateral narcotics agreement with the United States, this includes:
 - Reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution.
 - Increase drug interdiction and enforcement.
 - Increase drug treatment.
 - Increase the identification of and elimination of illicit drug laboratories.
 - Increase the identification of, and elimination of trafficking in, essential precursor chemicals for use in the illicit production of narcotic and psychotropic drugs and other control substances.
 - Increase cooperation with U.S. drug enforcement officials.
 - Increase participation in extradition treaties, mutual legal assistance, provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.
- By preventing narcotics and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country, from being sold illegally within the jurisdiction of such country to the United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States.
- By preventing and punishing the laundering in that country of drug related profits or drug related moneys.
- By preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts.⁷⁹

⁷⁹ "International Narcotics Control Strategy Report," United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, Washington D.C., March 1995, p.35.

B. TYPES OF CERTIFICATION

The law provides the President of the U.S. with three types of certification. According to this procedures a country can be:⁸⁰

- "Certify," when in the administration's opinion a country is fully cooperating with the U.S. and/or is taking adequate steps on its own to meet the goals and objectives stated in the 1988 U.N. Convention on drugs.
- "Conditionally Certify," when a country whose counter-narcotics performance does not qualify for a full certification. In this case the President may grant a "Vital National Interest Certification." This is done when the United States national interest outweighs the risk of less than full cooperation, in this case foreign assistance will remain unchanged.
- "De-certify," when the President denies Certification as a result of non-cooperation with U.N. and U.S. drug control strategies.

These categories of certification, represent the intensity in which those countries threatened the U.S. national interests and is "transitory." The degree of interest involved usually depends on the President's perception of the international environment within which the United States conducts foreign policy and on his judgement of the political climate in the United States. The United States national interest have a four-scale intensity:

- survival interest, where the very existence of the nation is in peril;
- vital interests, where probably serious harm to the security and well-being of the nation will result if strong measures, including military ones, are not taken by the government within a short period of time;
- major interests, where potential serious harm could come to the nation if no action is taken to counter and unfavorable trend abroad;
- peripheral (minor) interests, where little if any harm to the entire nation will result if a "wait and see" policy is adopted.⁸¹

⁸⁰ "International Narcotics Control Strategy Report Briefing," By the U.S. Department of State, *The DISAM Journal*, Wright-Patterson AFB, Ohio, vol.18 no. 3, Spring 1996, p.94.

⁸¹ Donald E. Nuechterlein, *America Overcommitted, United States National Interests in the 1980s*, Lexington, Kentucky, University Press of Kentucky, 1985, pp.9-10.

On March 1995, Colombia received a "Vital National Interest Certification" for its 1994 effort against drug-trafficking. At that time there were few political implications in this decision and the Clinton administration was trying to balance results and failures. The U.S. government was especially frustrated because the expected diminution in the movement and flow of narcotics originating in Colombia as a result of the destruction of the Medellin syndicate in 1993 did not materialize. It is apparent that the removal of Pablo Escobar and his drug empire from the Colombian narcotics scene only benefited the now-dominant syndicate headquartered in the city of Cali.⁸² Despite some successes as well as failures on Colombia's side, the Clinton administration's justification for this type of certification in 1995 was, in the author's opinion, a clear perception of reality:

Vital U.S. national interest would be at risk if we were to deny Colombia certification. As Colombia is the primary source of cocaine to the United States, continued cooperation with the government of Colombia is very important to this country. A vital national interest certification will ensure that the U.S. policy and assistance remain focused on developing more effective Colombian anti-drug efforts.⁸³

Furthermore, in March 1995 the Clinton administration clearly understood the implications of denying certification to Colombia:

While the government of Colombia needs to do more in its efforts against drugs, the decrease in narcotics cooperation that would likely attend denial of certification would result in even more narcotics entering this country. Decertification would result in strident nationalistic calls on the government of Colombia to cease its counter-narcotics cooperation with the U.S. In short, the risks associated with denying certification to Colombia are greater than the risks associated with Colombia's failure in the last year to cooperate fully with the United States, or to take adequate steps on its own, to combat narcotics.⁸⁴

⁸² "International Narcotics Control Strategy Report," Via Internet, March 1995, p.18.

⁸³ Ibid, p.20.

⁸⁴ Ibid, p.21.

Although the 1995 certification was conditioned under the "vital national interest" type of certification, the Government of Colombia was unable to understand that this political and diplomatic signal was the first step towards the 1996 de-certification of the country. The Colombian government's response to the 1995 certification was the declaration of war against the Cali cartel. This posture was welcomed by the Clinton administration and at the time considered a difficult and almost impossible accomplishment. However, Samper's administration thought this was the right strategy to avoid a possible de-certification in 1996.

Even with the unprecedented efforts of Colombian democratic institutions to capture six of the top seven members of the Cali syndicate, the United States decided that these law enforcement efforts did not outweigh the lack of political will of Samper's government to combat the drug cartels. Although this seems contradictory, the overall Colombian strategy did not satisfy the U.S. government. In 1996 a more complex political situation developed, in which Samper's narco-scandal, as well as President Clinton re-election, were in question.

C. THE 1996 PROCESS OF CERTIFICATION

In 1996 the President of the United States certified 22 of the 31 countries eligible as fully cooperating with the United States in counter-drug efforts and/ or taking adequate steps on their own to meet the goals and objectives stated in the 1988 U.N. Convention on Drugs. The countries certified were: Bahamas, Belize, Bolivia, Brazil, Cambodia, China, Dominican Republic, Ecuador, Guatemala, Haiti, Hong Kong, India, Jamaica, Laos, Malaysia, Mexico, Panama, Peru, Taiwan, Thailand, Venezuela, and Vietnam. Both Bolivia and Peru received a vital national interest certification in 1995. They improved their performance and in 1996 were certified by the president as fully cooperating. In 1996 President Clinton granted vital national interest certifications to three countries: Lebanon, Paraguay, and Pakistan. At the same time, he denied certifications to six countries: Afghanistan, Burma, Colombia, Iran, Nigeria, and Syria.

On March 1, 1996, Colombia was de-certified because in the U.S. point of view, it was not fully cooperating with the United States as agreed to in bilateral counter-narcotics

agreements, or as having taken adequate steps on its own to achieve full compliance with the goals and objectives established by the 1988 United Nations Convention against illicit traffic in narcotics drugs and psychotropic substances. The decision to decertify Colombia was not made lightly, according to Ambassador Robert Gelbard:

It is crystal clear, however, that narcotics interests have gained unprecedented footholds in Colombia, undermining much of the progress that Colombia's most motivated public servants could have made. There is no doubt at this point that the Samper campaign receives significant financing from Colombian drug lords. This has been publicly acknowledged.⁸⁵

He continues:

The U.S. government did not prejudge the Samper administration's effort on drugs, but neither could it ignore the facts at hand. The test of the law is whether the government of Colombia is cooperating in a counter-drug struggle. In the President's opinion, there was insufficient cooperation.⁸⁶

According to the International Narcotics Control Strategy Report of 1996 in its statement of explanation, the United States decertified Colombia for the following considerations:⁸⁷

- In 1995-1996, Colombia remained the world's leading producer and distributor of cocaine and major supplier of heroin and marijuana.
- Colombia was given a vital national interest certification in 1994-1995.
- President Samper's administration lacked commitment to support efforts of Colombian law enforcement entities and to strengthen the nation's institutions to combat the destructive effects of narcotics traffickers.
- The Cali cartel continued to manage its criminal empire from prison, and the security of the Colombian prison system remains woefully inadequate.

⁸⁵ "International Narcotics Control Strategy Report," 1996, p.96.

⁸⁶ Ibid., p.97.

⁸⁷ Ibid, "Statement of Explanation," 1996, pp.1-2.

- The Colombian government failed to pass legislation to increase the penalties for drug trafficking.
- The Colombian government did not strengthen asset seizure and forfeiture law and took no legislative steps to further safeguard the confidentiality of investigative information provided by the United States in order to protect the lives of witnesses and the integrity of evidence.
- The Colombian government failed to enter into a bilateral maritime counter-narcotics agreement with the United States.
- The Colombian law enforcement efforts, and those of the judicial sector, were significantly undercut by the corrosive impact of drug-related corruption.
- The positive impact of the actions of the General Prosecutor Office and National Police was undermined by members of the Samper administration, who publicly attacked the Prosecutor General and thwarted their own stated drug control policy.

D. AUTOMATIC AND DISCRETIONAL SANCTIONS

For Colombia, the 1996 de-certification had two main consequences one was immediate, and refers to automatic sanctions. The other, which is long-term, includes measures that the White House may adopt in a discretionary way. The immediate sanctions were: cutting off economic assistance for development plans, cutting off military aid funds that average \$62 million annually, denying banks special financing programs for military acquisitions, voting against new loans to Colombia in six multilateral lending institutions; under de-certification, the U.S. is required to vote against new loans to Colombia in such fora. About \$800 million in loans were due to come under consideration in 1996 at the World Bank and the Inter-American Development Bank. The U.S. has only a minority vote in these institutions, but if it decides to get tough, it could pressure other countries to join in voting against funds for Colombia. De-certification also prohibits the U.S. Export-Import Bank from granting loans. This decision will affect up to \$1 billion in financing, mainly in credits to the energy sector. Another \$600 million in loans and insurance coverage by the Overseas Investment Corporation (OPIC) were canceled for the development of private sector projects. This implies a loss of \$1 Billion. Also, de-certification cancels guarantees given by the

International Insurance Corporation to U.S. private companies investing in Colombia, a sanction that affects \$450 million in business to Colombia.⁸⁸

There are discretionary sanctions that could be applied to Colombia. The United States could remove preferential tariffs granted to Colombia under the Andean Trade Preferences Act (ATPA) and benefits of the Generalized System of Preferences. ATPA includes 6,000 products and G.S.P. includes 2,100 goods. Another option open to the U.S. is the removal of most-favored-nation status, which could lead to the imposition of tariffs on up to \$ 1 billion worth of Colombian exports.⁸⁹ Also, as an extreme measure, the White House could restrict Colombian Airlines from entering the United States. In the financial sector, agencies that determine risk factors (Duff and Phelps, Moody's, Standad and Poor's)⁹⁰ for investment in Colombia, could increase their peril factor, affecting the issuance of international bonds of Colombia in U.S. banks. Also, decertification could affect Colombia's international financial credibility by the low scores in risk investing factors. Colombia's economic growth for 1996, projected at 4.4%, will decrease to 3.8% according to the Colombian Development Agency (Fedesarrollo).⁹¹

Other implications that derive from the decertification of Colombia in counter narcotic performance are the internal reactions of the Colombian political system. The system has serious problems of governability due to the charges that President Samper received money from the drug cartels in his presidential campaign, and also due to the fact that various members of the Colombian Congress are under investigation for similar charges.⁹²

⁸⁸ "Sanciones," *El Tiempo*, Via Internet, Bogota, March 2, 1996, p.1.

⁸⁹ Patti Lane, "Colombia's Credit Standing Remains Firm," *Journal of Commerce*, Washington, March 22, 1996, Cited in Information Services on Latin America, Vol.51, Issue # 3, March 1996, p.212.

⁹⁰ "Descertificación Golpearía más la Imagen que la Economía," *El Tiempo*, Via Internet, Bogota, February 4, 1996, p.1.

⁹¹ Ibid, p.2.

⁹² "La Oveja Descarriada," *Dinero Magazine*, Via Internet, Bogota, May 1, 1996, pp.1-7.

The 1996 de-certification of Colombia was the result of an historical process. This large chain of events finally "filled the cup" of the United States. At the same time this political, economic and moral sanction was the reflection of today's U.S.-Colombian relationships, relations that during the Clinton and Samper administrations have been less diplomatic and clearly less cooperative, a pattern that in the author's opinion will continue as a result of President Clinton's re-election and President Samper's continuation in power. It is clear that this bilateral relationship has been framed lately around drug trafficking. Unfortunately for Colombians, narco-trafficking is today the topic that unites and separates the two countries. However, it is because of these problems that there is a need to confront drug trafficking at the international level, understanding that a unilateral drug control strategy by the United States is not the solution. The unilateral approach to counter drug-trafficking, will favor the drug cartels as well as the millions of cocaine consumers world wide. On the other hand, it will seriously harm Colombian democracy as well as the U.S. national interest. This was clearly expressed in March 1995 in the U.S. justification for a vital interest certification of Colombia. The situation has not changed, and the same threats to both countries remain.

These arguments lead the author to study the impact of this unilateral drug control strategy on Colombia's democracy. This impact cannot be under estimated and on the contrary will affect not only the war on drugs, but other major issues of the bilateral agenda, such as human rights, free trade and international cooperation.. This impact is seriously threatening not only Colombian democratic institutions, but the social project of Colombia as a nation. The following chapter will study this impact and its consequences. My intention is to provide a different perspective of this U.S.-Colombian relationship in the search for solutions to this huge and difficult problem.

IV. THE IMPACT OF THE DE-CERTIFICATION ON DEMOCRACY

In his book *Polyarchy*, Robert A. Dahl discusses a number of important concepts that can help to develop an understanding of the difficulties of any democracy in the international environment. He argues that:

The destiny of a country is never wholly in the hands of its own people. In some cases, domination imposed by people from outside the country can be so decisive as to override the effects of all the other conditions for democracy.⁹³

This chapter will argue that the United States, while trying to achieve its political objectives through the de-certification process, which seeks to remove Ernesto Samper from the Presidency of Colombia, did not consider sufficiently the negative impact that this decision would have on the consolidation of Colombian democracy. I will argue that this outcome is perhaps an unintended consequence of the U.S. policy. However, I will say that even unintended consequences must be taken into account by the U.S. when taking this type of decision, especially because according to Dahl:

...an act of foreign domination like this frequently produces a boomerang effect.⁹⁴

This boomerang effect may result in the weakening of Colombian democracy. Furthermore, de-certification has been considered by the Colombian people as an act of aggression, and at the same time has created a very strong nationalist sentiment in Colombia that has not been seen before. These factors can contribute seriously to a retreat in the thirty year progress of the U.S. effort to promote democracy and American values throughout the world, particularly among its neighbors in Latin America.

⁹³ Dahl, p.189.

⁹⁴ Ibid., p.198.

Even so, a developing country like Colombia cannot avoid understanding the importance of having an excellent relationship with the only super-power that remains after the Cold War. It is also true that many times the United States has perceived Colombian democracy as a narcocracy. However, I will argue that this form of administration is unlikely and that the United States ought to understand that:

...governments produced by elections may be inefficient, corrupt, shortsighted, irresponsible, dominated by special interest, and incapable of adopting policies demanded by the public good. These qualities may make such governments undesirable but do not make them undemocratic.⁹⁵

Today, it can be argued that Colombian democracy is in danger, not specifically because of the U.S. de-certification, but, because there is a mix of problems: guerrilla, narco-trafficking, corruption, civil disorder and violence. Often, these problems are present in all societies at some time, but it is unusual for them to be present at the same time as they are now in Colombia. This mixture of internal violence and turmoil, plus the difficulties of the international environment represented by political, moral, and economic sanctions, or the silence of other allies, are leading up to the final test for the survivability of Colombia democracy. The worst aspect of this scenario is that normally the only groups or sectors that may benefit from this outcome are those groups on the outside of law and order.

The actual situation in Colombia is the product of what Larry Diamond, Juan J. Linz and Seymour Martin Lipset characterize in the following terms:

... 'the institutional decay and instability' experienced during the 1980s and 1990s by such long-standing democracies as India, Venezuela and Colombia, emphasize that the legitimation and consolidation of democratic institutions is

⁹⁵ Samuel P. Huntington, *The Third Wave, Democratization in the Late Twentieth Century*, Norman, Oklahoma: University of Oklahoma Press, 1993, p.10.

not necessarily a permanent achievement but requires continuous adjustment, reform, and renewal to maintain.⁹⁶

The de-certification itself is a tool that may persuade a country to go in the direction the United States is pointing, toward a more strong posture against drug producing and drug trafficking. This posture in the U.S. point of view, should be clearly reflected in a strong counter drug national strategy. Also, it may lead democracy into the process of searching for new options, reforms and laws, that in time will create more legitimacy and international respect for the country. On the other hand it may lead to another outcome as related by Diamond:

Historically, the industrialized democracies have been ambivalent about fostering democracy abroad and have often seen it in their interest to support authoritarian regimes, as well as to sanction, subvert, and overthrow popularly elected ones that appeared unfriendly to their geopolitical interest.⁹⁷

After almost a year of the U.S. de-certification of Colombia, the impact on the country and its democracy have been more negative than positive. As a result of this there are several institutions as well as social sectors that were weakened, in some cases directly in others indirectly related to the de-certification. However, in the author's opinion the core impact on the state institutions have been negative. To support this argument it is important to mention a list of the specific impacts of de-certification.

- Impact on the international legitimacy of President Ernesto Samper government, affecting seriously the international image and credibility of the whole country.
- Impact on the economy, due to a climate of uncertainty and fear that has already prevented foreign investment in the country. This impact deprives American investors of several trade-facilitating forms of U.S. credit, diminishes the flow of legitimate foreign capital, hurts the economy, and ironically could drive more Colombians to work in the drug trade. Further punitive measures could devastate

⁹⁶ Larry Diamond, Juan J. Linz and Seymour Martin Lipset, *Politics in Developing Countries, Comparing Experiences with Democracy*, Boulder, Colorado, Lynne Rienner Publishers, Inc, 1995, p.10.

⁹⁷ Ibid., p.49.

a large number of Florida entrepreneurs doing millions of dollars in legal trade annually with Colombia and accounting for thousands of Florida jobs.

- Impact on nationalism, due to the course the narco-scandal took since the U.S. de-certification. The internal process that was leading perhaps towards the resignation of President Samper changed dramatically. Today, the process is seen from the nationalistic perspective against U.S. impositions.
- Impact on guerrillas' ideology. After the demise of the Soviet Union, Colombian guerrillas lost their political platform. Today, and because of the de-certification and the narco-scandal, they are able to find a new and credible discourse against U.S. intervention.
- Impact on internal political balance of power, due to tensions between the three branches of the government, the executive, the legislative and judicial branches, a confrontation that has reached levels never seen before. Unfortunately, the U.S. has helped to make this struggle worse. On one side, the U.S. argues that the executive and legislative branches are corrupted by narco-trafficking, and that the Congressional decision concluding that Samper was innocent of receiving narco-money during his campaign was not correct. On the other side, the U.S. argues that the General Prosecutor Office is an honest institution. This position has also divided the judicial system of Colombia. As a result of this, investigations between branches of government have been conducted, resulting in a struggle between the branches.
- Impact on the drug cartels, as that the governmental impetus against the cartels was lost. The most important achievement against narco-trafficking, the capture and imprisonment of the Cali cartel leaders, is now the last priority within this political struggle. This is permitting the cartels to observe the democratic institutions fighting each other, while they rebuild their empire and divide into small cartels.
- Impact on civilian behavior. In part because of the de-certification, but also because of the probability of economic sanctions, Colombia has started the largest campaign of illegal crop eradication. As a result of this, we have seen the biggest and most violent civil protest and civil disobedience in recent Colombian history, producing hundreds of peasants injured and many deaths. These events have permitted guerrillas to influence the masses for their political advantage and to obtain unprecedented support.
- Impact on the military forces. Because the military is trying to maintain law and order, but is now involved in a drug war that has to be fought on various fronts, spread throughout the nation, it has had to take strong positions, sometimes entering into the political arena. Worst of all, the military for the first time is ignoring some judicial mandates regarding the handling of these civilian revolts.

This position is exacerbating the war between the executive and judicial systems and leaving the country in an even more unstable situation.

- Impact on the constitution. The United States has urged the Colombian government to implement the extradition law, but this cannot occur until the Congress produces a constitutional reform. Today, the Colombian Congress is studying and debating this reform. However, the extradition review may lead to other major changes in the 1991 Constitution. Among these changes, the executive and the legislative branches want to move backwards by putting the judicial system again under the control of the executive, voiding its independence and its struggle against corruption.

The following chart summarizes briefly the type of impact the author sees on different institutions and sectors:

Table 1. De-certification Impact

INST/SECTOR/GROUP	DE-CERTIFICATION IMPACT		
	(+)	(-)	(+-)
Presidency			X
Congress		X	
General Prosecutor Office			X
General Attorney Office		X	
Military Forces		X	
National Police			X
Economy		X	
Nationalism		X	
Narco-guerrillas	X		
Society		X	
Constitution			X

A. COLOMBIAN DEMOCRATIC PATH

In this chapter, my intention is to provide an understanding of the country's struggle for democracy. In Colombia, the state, government, institutions and the population are very proud of being one of the oldest democracies in Latin America. At the same time, Colombia has one of the most disciplined and respected military forces in the region. But, are these popular beliefs true? Is Colombia a real democracy? Has Colombia really constructed and consolidated a democracy after the military regime of 1953-57? Can Colombians be proud of the type of democracy they have constructed? The sharper the focus of this study on democracy in Colombia, the better the understanding that the goals of Colombian democracy are not easily achieved and that the probability is that the popular belief is not true.

To understand today's Colombian democracy it is necessary to go back almost fifty years to study a very important process of Colombia's recent history now as the National Front. Colombia is the product of what was Arend Lijphart called "consociational democracy."⁹⁸ The National Front is an experiment that changed dramatically the history of the country. It was the product of various intervening variables: violence, a military government and elite settlement. Furthermore, according to Jonathan Hartlyn:

In Colombia, the consociational National Front regime established in 1958 was an elite response to a perceived crisis stemming from the fear of exclusion from power by the military government, potentially revolutionary violence in the countryside and economic stagnation.⁹⁹

⁹⁸ Term used to describe the nature of the political process and the type of political regime found in the Netherlands, as well as other countries such as Austria, Switzerland and Belgium. Arend Lijphart, "Consociational Democracy," *World Politics*, January 21, 1969. Cited in Hartlyn, *The Politics of Coalition Rule in Colombia*, Cambridge: Cambridge University Press, 1988, p.8.

⁹⁹ Hartlyn, p. 3.

1. The Military Regime

In 1949, Laureano Gomez of the Conservative party (CP) won the presidency in an election that the Liberal party boycotted. Two weeks prior to this election, President Mariano Ospina (also from the CP) closed the Congress, in which liberals held the majority, because of the continual turmoil following a shootout in Congressional chambers. Liberal leaders, who had participated in Ospina's administration resigned, and although direct evidence is lacking, they condoned if not organized guerrilla activity of rural liberal partisans just as Gomez was elected.¹⁰⁰ Gomez came into office determined to suppress these Liberal guerrilla partisans. In Gomez's view, these armed bands were not partisans in a feud with conservative citizens but subversives attempting to destroy the Colombian state and Christian society.¹⁰¹ Thus, Gomez felt justified in using the Colombian military forces directly against Liberal guerrillas.

President Gomez tended to equate loyalty to the state with support for the Conservative party. The Colombian Army became increasingly subjected to tests of its partisan political loyalty. He removed "unreliable" officers from sensitive positions, and he required troop commanders to report on the political affiliation of their troops. As a result, some liberal officers and troops deserted or collaborated with the liberal irregulars. Even the Military Academy, a bastion of professional training and nonpartisanship, became heavily politicized, and a political endorsement was an unofficial but indispensable prerequisite of admission.¹⁰²

Nevertheless, the politization of the army's domestic peacekeeping finally led to a break between the President and the armed forces' senior leadership. Furthermore, according to Hartlyn:

¹⁰⁰ Richard Maullin, *Soldiers, Guerrillas, and Politics in Colombia*, Lexington, Massachusetts: Lexington Books, 1973, p.6.

¹⁰¹ Ibid., p.59.

¹⁰² Monsignor German Guzman, Orlando Fals Borda and Eduardo Umaña Luna, *La Violencia en Colombia*, Bogota: Ediciones Tercer Mundo, 1962-1964, Vol. 1, pp.263-270.

Regime breakdown in 1949, although fueled by social and economic change, and particularly by mass mobilization following Gaitan's death, was fundamentally the result of elite fragmentation and the breakdown of elites negotiations.¹⁰³

As a result of this crisis, Lieutenant General Gustavo Rojas Pinilla carried out a coup d'etat on June 13, 1953, as Gomez was attempting to remove him from his post as Commander of the armed forces. Widespread sentiment in favor of a coup had been building for over a year. Rojas' action was welcomed by both the liberal and conservative elements, who increasingly opposed Gomez's autocratic style of leadership.¹⁰⁴

The Rojas coup was the turning point of Colombian military strategy from an emphasis on protecting Colombia's borders from external threats to combating internal threats. The isolation from domestic social and political problems that professional training had nurtured in military personnel, and which Gomez tried to recreate by enlisting the Armed Forces in the anti-Communist Korean War, ended with the prolonged guerrilla activity beginning in 1946.¹⁰⁵

From 1953, the armed forces has committed itself to end a violent Liberal-Conservative feud. This means that the armed forces of Colombia are committed to social and political goals before a commitment to any particular leader or commander. Initially, upon Rojas' assumption of power, the army tended to view guerrillas as participants in a violent partisan struggle in which the armed forces were neither antagonists nor protagonists, but instead were principal arbiters.¹⁰⁶

The arbiter role of the Armed Forces was welcomed by most Colombian political groups except, of course, the zealot supporters of Gomez who wanted the army to continue as their military instrument for imposing political views. A scattering of others were skeptical of the

¹⁰³ Hartlyn, p.42.

¹⁰⁴ Maullin, p.60.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., p.61.

military forces' allegedly nonpartisan involvement in domestic political affairs. Rojas took the important political step, through three presidential decrees, to rehabilitate a large number of the combatants by offering amnesties and pardons. The second of these decrees, No.2184 (August 1953), reinstated military officers who had been retired from the service because of the involvement in an attempted coup against President Alfonso Lopez in 1944. The other two decrees, No.1546 (June 1953) and 1823 (June 1954), focused primarily on the civilians engaged in political violence. These decrees set up procedures and time limits under which guerrillas could apply for amnesty for several categories of crimes committed in the liberal-conservative warfare.¹⁰⁷

While the military was shifting from a war to a truce with the guerrillas, the Rojas government established social agencies to aid the reintegration of guerrillas into normal social and economic activities.¹⁰⁸ On the political front, besides seeking and winning the tacit endorsement of many liberal and conservative leaders, Rojas invited liberals into the Constituent Assembly left over from Gomez's regime.¹⁰⁹ Thus, both the military and civilian institutions made attempts to restore peace between liberals and conservatives.

As Rojas' regime moved through the 1954-1958 presidential term, the Armed Forces continued to fulfill a pivotal role in national politics. Rojas' "Government of the Armed Forces" had originally trusted the military to occupy a neutral position between the predominantly liberal guerrillas and the conservative forces that had been removed from power. The army continued in combat against some guerrillas, but its goal was to establish public order and avoid being a "de facto" armed partisan force, as was the tendency under the Gomez government. But as conflict deepened between Rojas and the leadership of both parties, the military found itself protecting not only public order but also the fortunes of a partisan regime. In the field, support for the regime and maintenance of public order tended to merge. But in fact the Armed Forces had to define their guerrilla enemy in the emerging

¹⁰⁷ Ibid.

¹⁰⁸ Guzman, Vol 1, p.102.

¹⁰⁹ Jorge Villaveces, *La Derrota*, Bogota: Editorial Jorvi, 1963, pp.57-72.

context of the national political battle between Rojas and the national elites of both the Liberal and Conservative parties.¹¹⁰

According to Hartlyn, the evolution of “la violencia” provided both motivation and justification for leaders across both parties to seek accommodation anew. Both the inability of the Rojas government to bring violence to an end and the fact that some groups of insurgents were taking a more radical revolutionary purpose helped generate opposition to Rojas among important civilian sectors and support for restoration of civilian government.¹¹¹ As a result of this, on May 10, 1957 the Rojas government was in a crisis due to the actions of the Civil Front composed of the civilian elites including members of the political parties.¹¹²

The major groups Rojas courted included the military and the church, as well as government employees, labor and urban marginal groups. He failed to gain substantial institutional or mass support in any of them, even as he alienated nearly all producer groups. The weakness of Rojas effort to build a new political movement reflected the most important constant in Colombia’s political life: the continued centrality of the traditional parties.¹¹³ The key factor operating against Rojas was the fact that the two traditional parties completely dominated the country’s political landscape.¹¹⁴ To avoid serious violence and due to the great pressure, the President decided to abandon power. Rojas was replaced by a military junta composed of four generals and one admiral and flew into exile. Despite the origin of the

¹¹⁰ Maullin, p.63.

¹¹¹ Hartlyn, p.47.

¹¹² The creation of the National Front was initially organized as an anti-military governing alternative, as its original name “Civil Front” (Frente Civil) intimated. The Civil Front became the National Front. Cited in Hartlyn, p.83.

¹¹³ Ibid, p.48.

¹¹⁴ Hartlyn, p.73.

nomination,¹¹⁵ this junta was welcomed by the people, and led the country for a year through the transition from an authoritarian to a democratic regime.

2. The National Front

The only way to displace General Rojas from power, block a potential if still weak revolutionary threat and end interparty violence was by forcing a consociational political alternative that provided for extensive interparty guarantees and generated strong societal support.¹¹⁶ With the end of the era of dictatorship, and the end of the provisional Government of the Military "Junta," the transition to democracy and the movement towards bipartisan rule began. The bipartisan National Front was a radical and unusual innovation for the Colombian political system. This system was created to solve the country's problems and neutralize the political parties that were unable to lead the country. The National Front was to establish peace, democracy, and government institutions, justice and legitimacy for Colombia.¹¹⁷

As it finally emerged, the parties' National Front agreement sharply limited the operation mechanisms of majoritarian representative in the country. It stipulated that from 1958 to 1974 the presidency would alternate between members of the two parties, and that all cabinet officers, legislative and judicial posts and other government jobs not covered by civil service were to be divided equally between the two parties. From 1978 on, the majority party has been required to offer "adequate and equitable" representation in the executive branch to the party receiving the second highest number of votes in the elections.¹¹⁸ The effort was designed to avoid a struggle for power and the main reward for the parties was control of the bureaucracy. The bureaucracy at that time became the primary source of employment for the

¹¹⁵ Rojas apparently had the major role in determining the junta though senior military officers had some influence. Rojas expected the junta, which had several members who had deep loyalty to him, would soon invite him to return. Cited in Hartlyn, p.59.

¹¹⁶ Hartlyn, p.54.

¹¹⁷ John D. Martz, *Colombia A Contemporary Political Survey*, Durham, NC: The University of North Carolina Press, 1962, pp. 228-245.

¹¹⁸ Hartlyn, p.4.

parties. This bipartisan rule began with Alberto Lleras Camargo in 1958, the future of the republic depended in large part upon his guidance and wisdom.¹¹⁹

However, none of the reasons for the party power struggles were solved; instead, their feuding increased in ferocity. Individual leaders battled on both sides of the political fence to solidify their strength. They were motivated by the opportunism founded on desire for personal ascendancy. Political leaders pursued a labyrinthine web of shifting alliances and revised policy positions. The governance of the nation was left in the hands of the President.

The National Front brought about changes that affected the course of Colombian history, especially in the following areas:

- The struggle for power was not between parties. It was between sectors, especially civilian elites.
- The erosion of ideological consensus.
- Ideology was changed to other concepts such as: populism, patronage, and sectarianism.
- The population was not taken into account democratically in any decision.
- There was less participation and less representation at every level of government.
- There was an increase in discontent and therefore an increase in the numbers of guerrillas and turmoil.
- There was an absence of legitimacy within government.

3. The Post-National Front Period

Since the establishment of civilian rule in 1958, Colombia has achieved modest progress in reducing social inequality while maintaining a comparatively enviable record of stable growth. At the same time, the regime has generally maintained limited democratic rights and, until the 1980s, moderate patterns of socio-political strife. Its occasional use of repressive policies, though condemnable, have not compared to the brutal excesses of the bureaucratic-authoritarian regimes of Argentina, Brazil, Chile or Uruguay.¹²⁰

¹¹⁹ Martz, p.273.

¹²⁰ Hartlyn, p.1.

The Liberal Party (LP) and the Conservative Party (CP) were weak, divided into factions, and inadequately organized at the end of the period of the National Front in 1974. Because the political parties were not eager to engage an intense competition for power, Colombia achieved a peaceful transition to an open democratic system. The principle of power sharing was retained, although the President was allowed to select appointees from whatever sources he chose if the opposition refused to participate in his government.

The experience of the National Front, the lack of organizational efforts by the parties, and massive migrations of this period from rural to urban areas weakened party affiliations. This also decreased the likelihood of inter-party violence. The period after the National Front (1974-1996) also reflected a growing gap between the issues and agendas of the political elite and the demands, concerns, and expectations of the populace. Political apathy and cynicism among the people increased. Thus, Colombia experienced a radicalization of peasant movements, an increase in urban protests, a growing restlessness within the urban labor movement, and a surge in rural and urban guerrilla activity.¹²¹

Popular discontent with the government's management of the economy continued despite steady economic growth and high primary export revenues. The massive underground economy, fueled by drug trafficking, undermined the government's efforts to control inflation, and contributed to the rise of a parallel financial market. These factors placed a large part of the national economy beyond the control of legitimate authority.¹²² The National Front was intended to bring political stability and legitimacy to the country. But even though the results were contrary, it had created the conditions that enabled the process of democratization to go forward.

An important consideration is that an elite settlement was the type of negotiation that allowed the National Front to exist. However, according to Burton, Gunther and Higley:

¹²¹ Roman Juan, "Guerrilla Violence in Colombia: Examining Causes and Consequences," Masters Thesis, Naval Postgraduate School, June, 1994, p.28.

¹²² *Colombia: a Country Study*, p.141.

... elite settlements stabilized political environments and regulated conflicts between rival elites, but they did not produce full-blown democratic regimes in any immediate way.¹²³

The National Front was the way Colombian elites selected to guide the country through the transition period. This experience produced some results, but finally produced a negative impact upon democratic consolidation in Colombia. With this history in mind one can conclude that, the National Front was the worst alternative to lead the country towards the consolidation of democracy. Because the National Front process did not allow the formation of new political ideologies, nor did it increase the level of political participation. It only strengthened the bureaucratic corruption of the old parties. Without new ideas and under the influence of patronage it was impossible to lead the country towards democratic consolidation.

B. COLOMBIAN DEMOCRATIC CONSOLIDATION IN DANGER

1. Is Colombia a Consolidating Democracy?

Before trying to establish whether Colombia is a democracy or not, it is important to establish a good definition of democracy. According to Joseph Shumpeter, democracy:

... is that institutional arrangement for arriving at political decisions in which the individuals acquire the power to decide by means of a competitive struggle for the people's vote.¹²⁴

¹²³ Michael Burton, Richard Gunther, and John Higley, "Introduction: Elites Transformations and Democratic Regimes." Cited in John Higley and Richard Gunther, eds, *Elites and Democratic Consolidation in Latin America and Southern Europe*, 1992, p. 20.

¹²⁴ Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy*, 2d. ed, New York: Harper, 1947, p. 269. Cited in Huntington, *The Third Wave*, p.6.

With this definition in mind, an approach for this study of Colombian democracy can be addressed. After the end of the military government a democratization process started in Colombia.¹²⁵ This process divides into two specific phases that evolved in a sequence. One is the "transition." In Colombia the transition was experienced under the National Front.¹²⁶ The other process started after this National Front experiment ended in 1974, and was the process of "consolidation."¹²⁷

It is important to clarify that according to Richard Gunther, Hans-Jürgen Puhle, and Nikiforos Diamandouros:

Transition and consolidation are conceptually distinct aspects of democratization, although in practice they may temporally overlap or sometimes even coincide. Transition begins with the breakdown of the former authoritarian regime and ends with the establishment of a relatively stable configuration of political institutions within a democratic regime. The consolidation of democracy requires more time than the transition process. Consolidation is much more complex.¹²⁸

¹²⁵ Democratization, is the replacement of a government that was not chosen this way by one that selected in a free, open, and fair election. Huntington, *Third Wave*, p.9.

¹²⁶ The study of this transitions is called by Professor Huntington "Waves of democratization." A group of transitions from nondemocratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period of time. Cited in Huntington, *Third Wave*, p.15.

¹²⁷ Consolidation is the process by which democracy becomes so broadly and profoundly legitimate and so habitually practiced and observed that it is very unlikely to break down. Cited in Larry Diamond, Juan J. Linz and Seymour Martin Lipset, *Politics in Developing Countries, Comparing Experiences with Democracy*, Boulder, Colorado, Lynne Rienner Publishers, Inc, 1995, p.53.

¹²⁸ Richard Gunther, P. Nikiforos Diamandouros and Hans-Jürgen Puhle, *The Politics of Democratic Consolidation, Southern Europe in Comparative Perspective*, Baltimore: Johns Hopkins University Press, 1995, p.3.

The process of democratization does not have specific periods for each phase; every country must be studied as an individual case. In Colombia the whole process of democratization has taken very long. First, the transition phase that in reality moved the country out of the military regime took 16 years and undermined any real progress toward competitive elections between parties. Historically, Colombia was part of the second wave of democratization where political and military factors were clearly predominant.¹²⁹

Second, the process of consolidation started in 1974 with competitive elections between parties. This period was the most violent and turbulent in the recent Colombian history. During this period political violence has been the main threat to the Colombian state. Instability factors like guerrillas, narco-trafficking and corruption have been a permanent part of daily life in Colombia. Today, because of these problems Colombia has not been able to consolidate its democracy. For this reason Colombia can be classified as semi-democratic. According to Diamond, semi-democracies are:

... those countries in which the effective power of elected officials is also limited or political party competition so restricted, or the freedom and fairness of elections so comprised that electoral outcomes, although competitive, do not produce true popular sovereignty and accountability, or in which civil and political liberties are so uncertain that some political orientations and interest are unable to organize and express themselves peacefully, without fear.¹³⁰

Many labels are used by political scientists in this approach to study non-consolidated democracies like Colombia. Among them, “low-quality democracy,” “low-intensity democracy,” “poor democracy,” and “delegative democracy,” are other terms that have been used primarily in the Latin American context to describe a system that may have fair, competitive, and open elections; authentic power for elected officials; freedom of expression and of press; and at least some independent organizations and media, but nevertheless lacks

¹²⁹ Huntington, p.40.

¹³⁰ Diamond, Linz and Lipset, pp.7-8.

accountability, responsiveness, and institutional balance and effectiveness between elections.¹³¹

In Colombia it was thought that democracy was directly related to elections. Some even consider the mere fact of elections as a sufficient condition for the existence of democracy. However, for others this fallacy has been called "electoralism." In the words of Philippe C. Schmitter and Terry Karl, electoralism is:

... the faith that merely holding elections will channel political action into a peaceful contest among elites and accord public legitimacy to the winners.¹³²

This study uses as a tool the definition given by Adam Przeworski for what really is a consolidated democracy, to determine whether it can be applied to Colombia. He states that a democracy is consolidated:

... when under given political and economic conditions a particular system of institutions becomes the only game in town, when no one can imagine acting outside the democratic institutions, when all the losers want to do is to try again within the same institutions under which they have just lost.¹³³

With this in mind, it can be argued that Colombia as a state had been unable to impose the rule of law over leftist guerrillas as well as over the powerful drug cartels. In Colombia, because of corruption, the people often look for resolution to their problems outside of the legal institutions. For that reason, violence, narco-trafficking and disorder are an important

¹³¹ Ibid., p.8.

¹³² Philippe C. Schmitter and Terry Karl, "What Democracy is.... and is Not," In Larry Diamond and Marc Plattner, eds, *The Global Resurgence of Democracy*, Baltimore: Johns Hopkins University, 1993, p.42.

¹³³ Adam Przeworski, *Democracy and the Market: Political and Economical Reforms in Eastern Europe and Latin America*, Cambridge: Cambridge University Press, 1991, p. 26. Cited in Gunther, Diamandouros and Puhle, *The Politics of Democratic Consolidation, Southern Europe in Comparative Perspective*, p.7.

parts of Colombian democratic equation. For this reason it can be said that, after 16 year of transition, and a 26 year process of consolidation, Colombia has not been able to fully consolidate its democracy.

2. The Problems that Colombian Democracy Faces

Colombia faces multiple problems that endanger its journey down the democratic path and at times threaten Colombia's existence. Among these problems, the first three are identified as major internal problems, most of them related to violence:

- Marxist-nationalist guerrillas;
- the cocaine drug cartels;
- generalized corruption.

Other problems are external problems. Colombia is experiencing problems with its major commercial partner, the United States, primarily because of drug production. These problems together have placed Colombia within the category of countries that face major threats to democracy. All of these problems can be condensed in one term: instability.

Stability today is the most important factor that will permit the consolidation of democracy in Colombia. On one side, a stable regime as defined by Przeworski:

... is one whose institutionalization and level and breadth of popular legitimacy make it highly likely to persist, even in the face of crises and challenges.

On the other side, a partially stable regime is:

... neither fully secure nor in imminent danger of collapse. Their institutions have perhaps acquired some measure of depth, flexibility, and value but not enough to ensure them safe passage through severe challenges.¹³⁴

¹³⁴ Ibid., p.9.

With these definitions, Colombia can be classified, contrary to the beliefs of its own population, as a "partially stable regime." Just because there is an electoral process or Colombia is not going through a coup d'etat, does not make the regime stable and democracy consolidated. Colombia experiences a high degree of instability that may not enable the country to find its way towards democratic consolidation.

Theories of democracy stress that democratic stability requires a widespread belief among elites and masses in the legitimacy of the democratic system and that it is the best (or the "least evil") form of government. In the words of Juan Linz:

... that in spite of shortcomings and failures, the existing political institutions are better than any others that might be established, and hence that the democratic regime is morally entitled to demand obedience -to tax and draft, to make laws and enforce them, even, if necessary, by the use of force.¹³⁵

These threats to Colombian democracy have not been confronted by a strong state. On the contrary, the lack of strong laws and legitimacy caused by corruption have placed the state in a situation of defenselessness. Colombia's democracy has followed a poor trajectory in its efforts to avoid these dangers. Because the state is weak, people sometimes think that they have not received the guarantees that a democracy should provide. Using Samuel Huntington's words:

The most important political distinction among countries concerns is not their form of government but their degree of government.¹³⁶

¹³⁵ Juan Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*, Baltimore: Johns Hopkins University Press, 1978, p. 5. Cited in Diamond, Linz and Lipset, *Politics in Developing Countries, Comparing Experiences with Democracy*, p.9.

¹³⁶ Samuel P. Huntington, *Political Order in Changing Societies*, New Haven, Yale University Press, 1968, p. 1. Cited in Samuel P. Huntington, *The Third Wave*, p. 28.

It can be said that during the last four decades of democratic governance in Colombia, leaders were unable to take the necessary steps to solve the social differences between classes or reduce the levels of violence and corruption. This has undermined the consolidation of democracy. In other words, these governments have not been able to lead the country safely throughout this long and complicated process of consolidation.

Colombia must establish its own priorities and decide which problems must be confronted with the power of the state. A dispersed effort has not shown results in the past. This application of strategies and efforts is called "unity of effort" within the military. Today, it is more clear than ever that a unity of effort must be oriented to the drug problem.

3. It is Possible for Colombia to Start the Third Reverse Wave of Democratization?

In his book, *The Third Wave*, Samuel Huntington argues that three major waves of democratization have occurred in the modern world."¹³⁷ He called a wave of democratization a group of transitions from nondemocratic regimes that occur within a specified period of time and that significantly outnumber transitions in opposite direction during that period of time.¹³⁸

He identifies the two earliest waves of democratization: a long, slow wave from 1828 to 1926 and a second wave from 1943 to 1964. Significantly:

... each of the first two waves of democratization was followed by a "reverse wave" in which some but not all of the countries that had previously made the transition to democracy reverted to nondemocratic rule. The first lasting from 1922 to 1942, the second from 1961 to 1975, in which some of the newly established or reestablished democracies failed.¹³⁹

¹³⁷ Huntington, *The Third Wave*, p. 15.

¹³⁸ Ibid.

¹³⁹ Larry Diamond, "Is the Third Wave Over?," *Journal of Democracy*, vol. 7, no. 3, July 1996, p.20.

However, it is also true, that recent years have witnessed a significant erosion of democracy throughout much of Latin America.¹⁴⁰ This so-called erosion, however, has not reached the patterns in the past when the region was known world wide for its military regimes and "snowballing" coups d'etat. Unfortunately, the consolidation processes in different countries is complicated, especially in a world where economic performance is important to the success of a government.

Colombia is not far from this erosion or "institutional decay." For that reason, according to Diamond:

It is a dangerous fallacy to view consolidation as a one-time, irreversible process. Democracies come and go. Over time, they may become legitimated, institutionalized, and consolidated. But as their institutions decay and democratic beliefs and practices erode, they may also become de-consolidated.¹⁴¹

Many anti-democratic proposals have taken place since de-certification. These proposals did not come from the military institutions. On the contrary, they came from a very frightened civil society and range from the possibility of a general strike, to a civil-led coup d'etat, from a fujimorazo¹⁴² to a war cabinet. These types of proposals are supposed to be in the past and out of the modern political dictionary of Colombians, but today they are a clear and present danger in the Colombian society. On August 13, 1996 the U.S. Ambassador in Bogota, Myles Frechette, made an announcement on Colombian television (Noticiero 24 Horas) that shocked the population:

¹⁴⁰ Diamond, Linz and Lipset, p.3.

¹⁴¹ Ibid.

¹⁴² Expression which characterized an institutional coup d'etat produced by the ruling President of Peru Alberto Fujimori. On April 5, 1992, Fujimori suspended the constitution, dissolved Congress, and took control of the government in a move aimed at rooting out corruption in political institutions and strengthening his hand in the war against terrorist. This action is also known as "auto-golpe." Cited in "Peru History," Control Risks Information Services Reports, Via Internet, IDC, USA, July 1, 1996.

... a group of civilians had approached him to test the potential United States reaction to a coup.¹⁴³

Today, the probability that Colombia could start a reverse wave of democratization in Latin America is more likely than at any time in the last forty years. Some of the causes that may favor a reverse wave of democratization are:

- The vacuum of power that is perceived by most of the population, especially because President Samper has to spend more time defending himself than governing the nation.
- The populist discourse that President Samper has used to respond to U.S. intervention is creating a dangerous line dividing classes. This attitude is exacerbating the conflict between rich and poor, between owners and workers. The danger of this situation is that in Colombia the easiest way to resolve conflicts is through violence. This could be the basis for a civil war.
- The probability of economic sanctions will have an immediate effect upon the behavior of all sectors of commerce and production. This in fact could create a situation of mass disobedience that can be use by guerrillas to achieve the last stage of revolution, "general insurrection."
- The military is caught in the middle of the conflict, supporting democracy under the most extreme conditions:
 - First, under the guerrilla military pressure. The military is shown as a weak institution, unable to defend the national security of the country.
 - Second, the military is under the permanent pressure and investigation of the General Attorney Office, human rights organizations, and the liberal media, many times with the obscure intervention of guerrillas in support of this legal war against military institutions.¹⁴⁴
 - Third, the military is under U.S. pressure to become more involved in the drug war than in the anti-guerrilla war. Sometimes, the rejection of the

¹⁴³ Diana Jean Schemo, "Oil Companies Buy an Army to Tame Colombia's Rebels," *The New York Times*, New York, August 22, 1996, p. A8.

¹⁴⁴ Expression used in Colombia, which involves a new combination of guerrilla warfare. The objective is to accuse military leaders at all levels of the chain of command for crimes against human rights. This accusations are placed at different national and international judicial institutions as well as non governmental institutions NGOs, in order to achieve the military's prosecution and if possible encarceration.

military leadership to be involved in the drug war has been categorized by the U.S. as corruption.

- Fourth, the military is criticized by the populace. Especially when the military has to control or disperse masses in revolt by using force.
- Fifth, the military must fight and offer up their lives for corrupt democratic institutions that are more oriented to personal interest than the interests of the people.
- Sixth the military is under the pressure of some members of civilian elites and economic groups for a coup d'état to solve the internal conflict, protecting in this way their personal interests.

4. Would a Democratic or a Military Regime Solve the Drug Problem?

The drug problem is today a major threat to the national security of various countries. Everything that is involved with narco-trafficking threatens the sovereignty of countries and the lives of citizens. Arms, chemicals, and drugs trafficking as well as money laundering are de-stabilizing democracies around the world. This is especially true in those democracies that have not yet consolidated. When narco-traffickers see a weak state, and weak institutions, they find the best possible base for their business.

The drug-trafficking problem cannot be solved by one country or one specific type of regime or institution. Narco-trafficking is today an international and illegal business that must be treated with international strategies, laws and unity of effort. It can be argued that today the economic capability of narco-trafficking is so great, that it will not matter which type of regime is fighting the traffic. Democracies as well as military regimes can be equally affected by the threat of the corruption. If a country is to be successful in this war, what really matters is the irrevocable political decision to fight with all its resources and the international support necessary to destroy this scourge.

However, according to Diamond, Linz and Lipset:

... corruption is likely to be more visible [in a democracy] than is the case under authoritarianism.”¹⁴⁵

¹⁴⁵ Diamond, Linz and Lipset, p.11.

Such widespread corruption also undermines economic development and is one of the major arguments used by the military to justify overthrowing of elected governments, even though the corruption will likely be as great or greater under a military regime.¹⁴⁶

Even so according to Diamond:

Democracies have their peculiar vulnerabilities. One of these is the particularly corrosive effect of corruption on the legitimacy of democratic regimes, even more than on authoritarian ones.¹⁴⁷

However, I will argue that a country must try to find solutions through its democratic institutions. If the democratic path is followed and the necessary reforms are reached, a light at the end of the dark tunnel of narco-trafficking can be seen. In the words of Schmitter and Karl:

Unlike authoritarian regimes, democracies have the capacity to modify their rules and institutions consensually in response to changing circumstances.¹⁴⁸

After considering this new perspective on democracy and the drug war, either under the control of a military or a democratic regime and looking at problems from only a national interest level, I would argue that the only thing that could create greater instability in the Colombian government is a military regime. An authoritarian type of regime without legitimacy and minimum public support could not effectively pursue the war against narco-guerrillas. To achieve military objectives the military regime would have to deal with social inequality, the economy and a very strong opposition. These factors by themselves would use all resources and lead the regime to its own demise.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid., p.11.

¹⁴⁸ Schmitter and Karl, p.51.

If a democracy is willing to pursue the drug war to its ultimate consequences it can be argued that this process cannot be accomplished without the full support of the military establishment. As stated by Diamond:

The military are the ultimate support of regimes. If they withdraw their support, if they carry out a coup against the regime, or if they refuse to use force against those who threaten to overthrow the regime, the regime falls.¹⁴⁹

The military must be taken into account by the democratic government when the national strategies are set. This will involve the military in the process and will permit a clear understanding of the strategies. At the same time for the military it will be easier to accomplish the military's tactical objectives. This process will also avoid any type of rivalry between the military and the national police, a factor that may affect greatly the probability of success for government objectives and civil-military relations in general.

In the specific case of the Colombian military it is very important to take into account some unique characteristics and differences from the traditional Latin American military institutions. This will enable an understanding of how difficult it is for the military of Colombia to become involved in politics. Among them are:¹⁵⁰

- In Colombia there is no major tradition of military governments. Even the short period of military rule from 1953 to 1957 was marked by conflicts between the political parties, which left temporary military leadership as the only available option.
- Since 1948, the armed forces, especially the army, have been immersed in the task of controlling public order. The demands of internal security situations occupy the majority of army units and activity and considerable portions of resources of the other military branches as well.
- According to the Constitution the military must be apolitical. The politicians constantly invoke this characteristic, and deliberations or opinions of military leaders about internal issues are usually not permitted. This opinion can be summarized in a speech made by President Alberto Lleras Camargo in 1958:

¹⁴⁹ Diamond, Linz and Lipset, pp.144-145.

¹⁵⁰ Roman, p.54.

Politics are not going to enter the bodies of national defense; no pressure could lead me to oppose what I understand as the protection of peace and the warranty of good defense for the republic, which is the impartiality, and political neutrality of the armed forces.¹⁵¹

Even so, the military forces were involved on counter drug operations in the past. For example, military units were an important part of the component that captured and killed all the members of the Medellin cartel and recently imprisoned the leadership of the Cali cartel.¹⁵² Today, this role is substantial through military operations like “conquest operation” (operacion conquista). These operations will permit the destruction of 67,000 acres of coca plants during 1996 in the most important centers of production, the departments of Guaviare, Caqueta y Putumayo. This military effort is direct in support of the government campaign for crop eradication.

The Colombian military posture is clear and there are other sources which identify it, like Control Risks Information Services reports, a consulting firm that provides its clients with analyses of the risks from political violence and instability. In an 18 month regime stability forecast for Colombia, Control Risks estimated that the probability of a military regime was 15 percent. The stated reason is that:

¹⁵¹ Alberto Lleras, *Escritos Selectos*, Bogota, Instituto Colombiano de Cultura, 1976, p. 136.

¹⁵² During the war against the powerful Colombian cartels a new type of organization was created. This was called “Bloque de Busqueda” or searching block. This type of unit involved army, marines, air force, police, and Colombian judiciary, working as an elite team against the cartels. The author of this thesis, as a commander of the Colombian Army Special Forces Battalion, was personally involved in some of the operations of the searching block that destroyed the Medellin cartel.

... since the military tradition includes respect for the Constitution, its officers would intervene only if they perceived outright chaos or what they considered to be gross violation of the Constitution.¹⁵³

Even though this forecast was given before the 1996 de-certification, it represents a clear understanding of the Colombian military posture and also the political realities of today.

To conclude, on the one hand the democratic tradition of the Colombian military forces has played a key role in the process of democratization. Since 1957 the Colombian Military Forces have developed strong military culture in which there is a respect for the Constitution and democracy. Furthermore, the involvement of the military in multiple fronts of war against guerrillas, drug-trafficking, civil conflicts and border security have been a factor that keeps the military out of the political struggle.

On the other hand, it is clear the war against narco-trafficking cannot be won either by a democracy or by a military regime. As long as narco-trafficking is not dealt with on the international level with an understanding that this problem is a two-sided problem, with production and consumption, the narco-trafficking war cannot be won. However, it is important to point out that for Colombia, winning is a matter of survival and the single goal of the state must be to end the drug cultivation, drug producing and drug trafficking. The war against drugs should be Colombia's center of gravity and the primary focus of the national interest, national strategy, defense budget, and military and police operations. If Colombia follows this path, democracy will be stronger, the guerrillas will lose their financial support and narco-trafficking will end at least in Colombia. Colombia must pursue these goals with or without the U.S. support.

¹⁵³ "Colombian 18 Month Regime Stability Forecasts," Control Risks Information Services Reports, Via Internet, IDC, USA, December 1, 1995.

V. IMPLICATIONS OF THE U.S. POLICIES

The implications of current U.S. policies toward Colombia are great, especially because of the great variety and high impact of these policies in all areas of power. In his book *International Politics, A Framework for Analysis*, K.J. Holsti argues that

The variety of foreign policy instruments available to a nation for influencing others is partly a function of the quantity and quality of capabilities.¹⁵⁴

This chapter will demonstrate that in this bilateral process, the United States has used a variety of means to affect the behavior of Colombia, and to protect its national interest. This type of international political behavior is without any doubt a "power politics" approach, one that seeks to influence the behavior of the other states.

A. MEANS AND ENDS

According to Samuel Huntington, in the third wave of democratization the U.S. government uses a variety of means, political, diplomatic, economic, and military, to promote democratization.¹⁵⁵ The need to control drug trafficking from Colombia is one of the most pressing narcotics and foreign policy challenges the United States faces. According to Ambassador Robert Gelbard:

In the post-cold war era, you can hardly find a foreign policy issue that has such an immediate and direct detrimental effect on so many Americans as the international drug trade.¹⁵⁶

¹⁵⁴ Holsti, p.121.

¹⁵⁵ Huntington, p. 93.

¹⁵⁶ Robert Gelbard, "International Narcotics Control Effort in the Western Hemisphere," Statement before the Subcommittee on the Western Hemisphere of the House of International Relations Committee, Washington D.C. March 29, 1995. Cited on U.S. Department of State Dispatch, Volume 6, Number 16, Bureau of Public Affairs, April 17, 1995, p.340.

This so-called "war" has caused a political struggle between the Clinton and the Samper governments. The United States is eager to achieve better results in a war that is fought externally against production and internally against consumption. But this war has not been won yet. Colombia is the major producer of cocaine in the world. A country that has not been able to restore its legitimacy after the 1991 Constitution through a strong judiciary and with a very strong posture against drug-trafficking. Colombia has paid an enormous price in human life, but has not been able to win its part of the war against drug production.

The final objective or what I called the drug war "end" for the United States is to win the war against narco-trafficking. Even so, the strategies to achieve this end are often not clear, and are affected by the continuous changes on the administration approaches. Some times without taking into consideration that this war is not a conventional one; is not fought in one place; even worse, the enemy sometimes is not clearly defined. This war is a low intensity type of conflict, a characteristic that makes the probabilities of success more difficult to achieve. However, to end drug production, trafficking, and consumption, the U.S. must use all the available means. These means are the tools that will permit the most rapid and efficient solution to the problem. These means can be used individually or combined.

1. Political Means

Within the political and diplomatic spectrum, the de-certification is an important tool for the United States to pressure what the U.S. State Department calls "source countries." De-certification supports President Clinton's general counter narcotics strategy to shut down the drug cartel's operations by targeting their numerous interests, front companies, investments, and their use of the international banking system to launder illicit gains.¹⁵⁷

Although the Clinton administration's political agenda on drugs seems clear, it is also true that the 1996 election year in the U.S. and pressures from the "Senator Jesse Helms'

¹⁵⁷ Ibid., p.94.

school of foreign policy,"¹⁵⁸ has moved the President of the United States to implement the U.S. political and diplomatic means against Colombia. Because of this, U.S. diplomacy, that is used primarily to reach agreements, compromises, and settlements where governments objectives conflict, have been used more to change policies, actions, objectives, and attitudes of other governments and their diplomats by persuasion, offering rewards, exchanging concessions, or making threats.¹⁵⁹

Within the diplomatic arena, many steps were taken. Many meetings between top policy officials of Washington and Bogotá were held. It was publicly acknowledged by the United States that the de-certification could cause economic hardship for Colombia. After the decision to deny Colombia a certification on March 1, 1996, more political and diplomatic actions were taken by the United States. One of these actions was the process by which the U.S. State Department declared ineligible for a U.S. visa the President of Colombia Ernesto Samper and other personalities. The State Department, argued that:

... based on the information they have, the government of the United States has determined that the President of Colombia Ernesto Samper is ineligible to receive a U.S. visa under American law.¹⁶⁰

This decision was based on the Immigration and Naturalization Act of 1952 and the State Department Basic Authorities Act of 1956. According to these laws the United States State Department can negate or cancel visas to enter into the U.S. because of infractions or crimes related to drug affairs.¹⁶¹

¹⁵⁸ "Colombia's Failure," *Miami Herald*, Miami, March 6, 1996, Cited in Information Services on Latin America, Vol.51, Issue # 3, March 1996, p.222.

¹⁵⁹ Holsti, p. 144.

¹⁶⁰ "No estamos satisfechos con Samper," *El Tiempo*, Via Internet, Bogota, July 12, 1996, pp.1-5.

¹⁶¹ "Una Cuarentena a la Gringa," *El Tiempo*, Via Internet, Bogota, July 14, 1996, p.3.

Other important personalities of the country received the same sanction, including the Ambassador of Colombia in Mexico, Gustavo de Greiff; the General Attorney of the Country, Orlando Vasquez; and the General Comtroller, David Turbay. The impact of this action on the Colombian population was diverse. The effect was on the population rather than the Samper government, and created a strong anti-American reaction resulting in more popular support for the President.

Samper's government gained support because of the "visa affair," especially within middle-low and lower classes. Civilian elites, the business community, the press, university students, and the middle and upper classes, perceived this decision as a very dangerous signal before the implementation of U.S. economic sanctions. Because of this, all the major newspapers of the country including *El Tiempo*, a bastion of Liberal press, called for the president's resignation.¹⁶² Once more, U.S. actions were dividing Colombians. On one side, those who perceived any minor threat to their personal interest or business were against Samper. On the other side, especially among workers and peasants, the President gained momentary political support.

2. Economic Means

Economic sanctions have always been important means to achieve U.S. goals. Holsti, in "the instruments of policy: economic rewards and coercion" clearly explains this process. He argues that:

Only a few states are endowed sufficiently with the full range of natural resources, foods, and energy to sustain modern or modernizing economic establishments. For others, trade, financial flows (foreign investment), and sometimes foreign aid are critical for survival and economic progress.¹⁶³

Furthermore, he explains that:

¹⁶² "Fuerzas Editoriales en Colombia," *El Tiempo*, Via Internet, Bogota, July 13, 1996, p.1-2.

¹⁶³ Holsti, p.177.

... because of the complexity of commercial transactions between societies, governments, in seeking to change or sustain behavior of others, have a broad range of instrumentalities.¹⁶⁴

Between the most frequently techniques used are: tariffs, quotas, boycott, embargo, loans, credits, and currency manipulation, blacklists, licensing, freezing assets, granting or suspending aid, including military sales or grants, expropriation and finally withholding dues to an international organization. Of course de-certification is part of this list.

Even so, there is a perception that de-certification carries significant political punch but has a smaller economic impact. A recent study made by FEDESARROLLO, an influential economic research institute of Colombia, found the de-certification had been a key factor in declining profits, low investment and slow growth. The figure that raises the most concern was Fedesarrollo's forecast of a 3.8 percent increase in the gross domestic product for 1996, far lower than official projections of 4.9 percent, and even lower than the annual growth rates of more than 5 percent that Colombia has had in 1993, 1994, and 1995.¹⁶⁵

Also, President Clinton has not used his discretionary powers to disqualify Colombia from preferential tariffs, because this would close the U.S. market to imports of coffee, flowers, bananas and other legitimate goods.¹⁶⁶ The de-certification decision also does not cut off anti-drug cooperation between the two governments. However, the law does require the United States to vote against Colombian loan requests from a half dozen lending

¹⁶⁴ Ibid, p.179.

¹⁶⁵ Pamela Mercer, "Economy of Colombia Unsettled by Crisis," *The New York Times*, New York, May 5, 1996. Cited by Information Services on Latin America, Vol.51, Issue # 5, May 1996, p.18.

¹⁶⁶ Christopher S. Wren, "Clinton Declares That Colombia Has Failed to Curb Drug Trade," *The New York Times*, New York, March 2, 1996. Cited by Information Services on Latin America, Vol.51, Issue # 3, March 1996, p.206.

institutions, including the International Monetary Fund, The Inter-American Developing Bank, and the World Bank.¹⁶⁷

Even though the U.S. government has not implemented economic sanctions, it is very important to keep in mind that the Clinton administration possesses more options within its legal arsenal. One of the most important weapons the administration may use if it does not see any progress in the Colombian actions against narco-trafficking or if they do not see an impact from the de-certification is the use of the International Economic Powers Act (IEEPA). This act gives special powers to the President of the United States to declare a situation of international emergency. Because of this, properties and accounts of Colombia can be confiscated in the United States.¹⁶⁸ According to experts from the firm of Manatt, Phelps and Phillips, the Clinton administration already has given orders to study the probability of using IEEPA against Colombia. This policy has been used in the past against countries such: Iran, Iraq, Cuba and North Korea.¹⁶⁹

3. Military and Law Enforcement Means

American use of force abroad to protect commercial interest, maintain "law and order," and prevent inroads by "international communism" has occurred frequently since the declaration of the Monroe Doctrine in 1823. One study lists more than 100 American military interventions in Latin America between 1806 and 1933.¹⁷⁰ This, of course, does not count the many times that the U.S. Government has intervened in Latin America since 1933.

¹⁶⁷ Douglas Farah, "U.S. Deepens Bogotá Leader's Crisis, Decertification Carries Political Punch But Lesser Economic Impact, *The Washington Post*, Washington, March 2, 1996, Cited by Information Services on Latin America, Vol.51, Issue # 3, March 1996, p.205.

¹⁶⁸ "E.U. Puede Castigar Mas a Colombia," *El Tiempo*, Via Internet, Bogota, July 27, 1996, p.1.

¹⁶⁹ Ibid.

¹⁷⁰ Knopf, "Intervention in Latin America," C. Neale Ronning, ed., New York, 1970, p.25. Cited in Holsti, p.220.

The U.S. government possesses a series of military and law enforcement means to support its political decisions. According to Holsti:

The most important aspect of a nuclear capability (or any military capability) is not in possession, but its relevance and the ability to signal one's determination to use it.¹⁷¹

Even though in the recent past the United States has invaded Grenada and Panama, it can be argued that an action of such a nature against Colombia is not on the U.S. political or military agenda. However, the fear of these kinds of actions even though the probability of their recurrence is very low or non-existent, is real. Such threat perception produces the required deterrence that the United States needs to protect its national interest and national security.

The author argues that the U.S. military involvement in the drug war in Colombia has been more cooperative than non-cooperative. This support has been oriented to military logistics and training, but especially directed to the national police. The U.S. military means have been present with navy patrols of the Caribbean waters, the implementation of electronic intelligence, the use of radars strategically situated to intercept drug-trafficking aircrafts and the employment of special electronic intelligence that have been the key to detect the movements of the leaders of the Medellin and Cali cartels prior to their capture or deaths. All these actions, of course, were friendly actions, welcome by the Colombian government.

But although the United States has used military means to conduct friendly actions in favor of Colombia, there also have been other actions that have been less consensual. For example:

- The constant presence of U.S. Navy ships inside Colombian waters, as well as U.S. Air Force planes inside Colombian air space without authorization.
- The development of a training exercise in the Colombian-Panamanian border between U.S. forces and Panamanian forces.

¹⁷¹ Holsti, p.122.

- The visits of members of the U.S. Southern Command to Venezuela to discuss national security issues.
- The suspension of all Colombian Army, Navy and Air Force aid in all areas.
- The general sense that the non-involvement of the Colombian military in the drug war was because of perceived corruption, and not because they were involved in a war against communist guerrillas. A war that contrary to the narco-traffickers objectives wanted to change the regime through revolution.

These actions probably are not intended to threaten Colombian sovereignty. But, today with the great involvement of the media in all these matters, the implications of actions like these are huge. As a result a sense of distrust exists within the political and civil society of Colombia against any U.S. military involvement in or near the country. This is contrary to the sense of cooperation that exists within some institutions like the national police.

At the same time these military actions are taking place, the United States uses many civilian agencies to fight against drug-trafficking. Probably the two most important law enforcement tools the United States has are the Drug Enforcement Administration, known as DEA and the United States Customs. These two agencies are not in very high standing in Colombian public opinion. These agencies, while fighting against drug-trafficking have many times undermined individual rights of Colombians. On the other hand, there is also a positive impact of the actions of these law enforcement agencies, not just by providing the adequate deterrence for narco-traffickers, but also by involving Colombian export companies and security agencies in providing their own security to detect any illegal action before reaching the United States.

4. Unintended Consequences

The United States has a variety of political, diplomatic, economic, military and law enforcement means to achieve its goals. However, the power and implications of the U.S. government actions are so great that the danger of "unintended consequences" is always present. The probability is that all the bureaucracies involved in the drug war and the process of de-certification will not evaluate carefully the impact that this type of political, economic and moral sanction may have on Colombian democracy. Unfortunately, de-certification has a major impact especially on those institutions that are working in support

of the drug war, and on the thousands of honest business people who are willing to demonstrate that there are other ways to make a profit rather than being a drug lord.

The study of this complicated topic has led the author to conclude that the de-certification process carries more of a political and moral punch to Samper's administration, rather than a punch to the cocaine cartels. The political objective, to force Samper from the presidency, cannot be accomplished according to most of the experts writing on this topic, and Samper will probably complete his mandate in August 1998. However, one of the unintended consequences of de-certification is the undermining of the democratic process in Colombia. It is because of this unstable situation that some of the presidential candidates for 1998 suggest non-democratic solutions. For example, Juan Manuel Santos (former Minister of Commerce), suggested in late 1996, that the only solution to Colombia's problems was a "Fujimorazo" (a Peruvian-style coup). Rafael Pardo (former Minister of Defence) proposed a war cabinet to resolve the situation.¹⁷²

B. DEMOCRACY, BEFORE AND AFTER THE DE-CERTIFICATION

According to Robert Dahl, the chance that a country will be governed at the national level by a regime in which opportunities for public contestation are available to the population, depends on at least seven sets of complex conditions.¹⁷³ This study will use these seven characteristics of democracy to test whether the Colombian pattern of democracy before and after the de-certification has changed. The intention is to find out whether this U.S. action will strengthen the Colombian democracy, or whether the de-certification will weaken democracy.

1. Explaining Variable (1): Access to Violence

In the case of Colombia one of the most important factors conditioning democracy is the socioeconomic order. Without a doubt, the access to violence (1) in Colombia has been a common feature in the life of the country. Violence dominates daily life in Colombia. Indeed,

¹⁷² "Medicion de Fuerzas," *Semana Magazine*, Bogota, October 27, 1996, pp.1-5.

¹⁷³ Dahl, pp.202-203.

by any measure of nations not at war, Colombia is one of the most violent countries on earth.¹⁷⁴ With a table of comparative crimes between 1990 and 1995, an understanding of the huge impact that violence has had on the Colombian society can be gained.

Table 2. Robert Dahl's Conditions Favoring Democracy

		(+)Impact	(-)Impact	(+)Impact	(-)Impact
	De-certification	Before		After	
I.	Historical Sequences	NA	NA	NA	NA.
II.	Socio economic Order				
	A.Access to:				
	1.Violence		X		X(1)
	2.Socio economic Sanctions	X			X
	B.Type of Economy				
	1.Agrarian	X			X
	2.Commercial-industrial				
III.	Level Socioeconomic Development	X			X(2)
IV.	Equalities and Inequalities				
	A.Objective		X		X
	B.Subjective		X		X
V.	SubculturalPluralism				
	A.Amount	NA	NA	NA	NA.
	B.If Marked or High	NA	NA	NA	NA.
VI.	Domination by a Foreign Country	X			X
VII.	Beliefs of Political Activist:				
	A.Institutions of Polyarchy are Legitimate	X			X(3)
	B.Only Unilateral Authority is Legitimate	NA	NA	NA	NA.
	C.Polyarchy is Effective in Solving Major Problems		X		X(4)
	D.Trust in Others	X			X
	E.Political Relationships are:				
	1.Strictly Competitive	X		X	
	2.Strictly Cooperative		X		X
	3.Cooperative-Competitive	NA	NA	NA	NA.
	F.Compromise Necessary and Desirable		X		X

NA: Non applicable.

Source Robert A Dahl, *Polyarchy, Participation and Opposition*, p.203.

¹⁷⁴ Riley, p.1.

This violence is the product of continuous instability, and also explains the great influence of guerrillas and narco-trafficking on the national life.

Table 3. Crimes Between 1990 and 1995

No.	Type of Crime	1990	1991	1992	1993	1994	1995	Var.
1	Against the State Existence, Security	2	5	2	18	16	1	-94,44
2	Against Constitutional Regime	125	125	150	199	174	96	-51,76
3	Against Public Administration	673	807	816	575	723	725	26,09
4	Against Justice Administration	575	458	375	349	387	521	49,28
5	Against Public Security	11992	14234	15603	18157	19036	21411	17,92
6	Against Public Faith	962	1154	1037	841	940	1022	21,52
7	Against Economic, Social Order	1594	1294	1278	1109	1181	1057	-4,69
8	Against Suffrage	152	78	104	3	395	5	66,67
9	Against Family	751	897	794	906	1223	1600	76,60
10	Against Individual Liberties	3918	5570	3497	4688	5234	6150	31,19
11	Against Sexual Liberty	1883	2091	2	1841	2355	2190	18,96
12	Against Moral Integrity	772	1034	969	923	893	1059	14,73
13	Against Life and Personal Integrity	86153	89828	92547	80977	85190	82068	1,35
14	Against Private Property	96640	103634	104168	78208	94270	105196	34,51
	Total Number Crimes	206192	221209	221342	188794	212017	223101	1817

Note: Statistics taken from the book *Criminalidad 1995*, Policia Nacional de Colombia, Bogota, No.38, p. 67.

Even though the levels of violence had been high before the de-certification, today the impact of this violence is greater because after the de-certification and the “8,000 process,” the Colombian leftist guerrillas, have adopted a more radical position. The leftist guerrillas from the FARC, and ELN,¹⁷⁵ the two major guerrilla groups of Colombia, have used to their advantage the political instability caused by the famous narco-scandal. The groups have used this excuse to support a revolutionary discourse against political corruption and the democratic institutions.

The lack of legitimacy of Samper’s government has not permitted a strong and planned response from the state to face the guerrilla threat. In part the government has lost its flexibility because it has to spend a lot of energy trying to defend itself from corruption charges in the midst of this political and diplomatic storm. Also, there has been a lack of

¹⁷⁵ The second guerrilla group of Colombia, led by Manuel Perez, Spanish priest. This group has been historically a pro-Cuban movement. Today, it is responsible for most of the terrorist acts against petroleum installations, as well as multiple kidnappings and killings.

compromise between political parties, and a failure to adopt strong measures against the factors of violence with the necessary legislative and budgetary support for the security forces.

The FARC especially has planned important acts of aggression against the military and national police. Before the de-certification, their actions resulted in the killing of two or three soldiers or policemen. After the de-certification, guerrillas responded with bigger and carefully planned operations in which massive killings were produced, such in the case of Puerres in the Nariño Department, where 31 soldiers were killed and 15 were wounded in one ambush on April 16, 1996,¹⁷⁶ or the case of Las Delicias in the Putumayo Department, where 50 soldiers were killed and 60 more captured in raids against a military patrol base on August 30, 1996.¹⁷⁷ These actions and hundreds of others have been brought back from the jungles on to the television screens and newspapers of Colombia, a bitter demonstration of the crude reality of the narco-guerrilla violence. These terrible actions are giving the country an impressive message: Today the Colombian government cannot defeat militarily the guerrilla groups.

Recently narco-guerrillas have been the focus of the military and police actions. With these operations an intense eradication campaign has begun. This situation is the result of actions where the Colombian authorities try to prove, especially to the United States, that this link between narco-traffickers and guerrillas exists, and that this marriage is not a military invention to gain U.S. aid. As a result of these operations, the FARC has pushed into urban areas. More than 500,000 peasants protested against the government's illicit crop eradication campaign. This civil protest, particularly in the departments of Guaviare, Putumayo and Caqueta, has turned violent.

¹⁷⁶ Tim Jonhson, "Coca-guarding Guerrillas Blow up 50-soldier Convoy," *Miami Herald*, Miami, April 17, 1996. Cited by Information Services on Latin America, Vol.51, Issue # 4, April 1996, p.166.

¹⁷⁷ "100 Die in Rebel Attacks on Colombian Troops," *The New York Times*, New York, September 1, 1996, p.A-5.

Today, peasants involved in the illegal crop cultivation view the state as their own enemy. According to the peasants, the only solution the government is offering is the use of force. This is in part because the governmental plan for crop substitution PLANTE¹⁷⁸ does not have the necessary resources for implementation and expansion.¹⁷⁹ This protest, initially focused in the three departments, created a snowballing effect, and now civil protest has broken out in other minor illegal crop producing areas, the departments of Cauca, Huila, Narino, Arauca, and Cesar. In view of the situation it can be concluded that the levels of violence have increased since the country was de-certified, and the narco-guerrilla violence has evolved into a violent protest against the crop eradication campaign.

Finally, the only governmental approach to this dangerous and unstable situation is the use of military forces and the police. This use of force is oriented toward suppressing fires all over the country and toward pleasing the United States to gain re-certification. For this reason, it is not difficult to predict that the response to this official use of force is an increase in the levels of violence and protest, an increase in human right violations, and the loss of public order. The social problems involved in narco-trafficking in Colombia are so great that the government cannot use force as the only response to this complicated problem. For this reason violence from guerrilla groups and peasants who are been pressure to stop growing coca will most likely increase in scope and intensity.

2. Explaining Variable (2): Level of Socioeconomic Development

Another major factor that has changed after the de-certification is the level of socioeconomic development (2). According to Diamond, Linz and Lipset:

¹⁷⁸ Spanish acronym for the alternative development plan, for illegal crops eradication (Plan de Desarrollo Alternativo).

¹⁷⁹ According to Enrique Santos Calderon from *El Tiempo*, one year after it was launched by the Samper's administration. The plan PLANTE, has not produced adequate results. He also said that this plan cannot be implemented in regions like the Department of Guaviare, the most important drug-producing region. The PLANTE money by law can only be given to those peasants that produce illegal crops just for their personal subsistence, and not in a region where there is large commercial cultivation.

...the weight of the evidence confirms a strong positive relationship between democracy and socioeconomic development and that this relationship is causal in at least one direction: Higher levels of development generate a significantly higher probability of democracy and of stable democracy.¹⁸⁰

This is not the case in Colombia.

It is impossible to ignore the impact that U.S. policy has on Colombia and the Colombian socioeconomic problems. It can be argued that the differences in policies between the Bush and Clinton administrations has exacerbated the problems. The Bush policies can be described as the actions before the de-certification and the Clinton's policies as the post de-certification actions. On one side, during the Bush administration the drug war approach had emphasis on multilateral policies like the Andean initiative. According to President Bush:

Our common partnership must confront a common enemy: international drug traffickers. Drugs threaten citizens and civil society throughout our hemisphere. Joining forces in the war on drugs is crucial. There is nothing to be gained by trying to lay blame and make recriminations. Drug abuse is a problem of both supply and demand, and attacking both is the only way we can face and defeat the drug menace.¹⁸¹

Furthermore, President Bush's policies after the Declaration of Cartagena in February 1990 and the San Antonio Summit February of 1992 were oriented in three important areas:

- First, economic assistance with the approval of the Andean Trade Preference Act (ATPA) which eliminated tariffs for Colombian, Peruvian, Bolivian and Ecuadoran products for ten years.
- Second, diplomatic cooperation through concerted action in international forums and to common efforts to educate the international community regarding the urgency of confronting the challenge posed by the narcotics trade.

¹⁸⁰ Diamond, Linz, and Lipset, pp. 21-22.

¹⁸¹ Lars Schoultz, William C. Smith, and Augusto Varas, *Security, Democracy, and Development in U.S.-Latin American Relations*, Miami, North-South Center, University of Miami, 1994, p.16.

- Finally, the “Andeanization” of the drug war and the growing militarization of the antinarcotics struggle.¹⁸²

From this it can be concluded that even though there were tensions and disagreements during this period, the Bush administration had a more cooperative approach towards Colombia in the drug war.

In contrast, the Clinton administration made an important strategic shift.¹⁸³ The administration redefined U.S. security interest in the Western Hemisphere. U.S. involvement in hemispheric security matters is now seen as instrumental to the maintenance of a leading role in global geopolitics.¹⁸⁴ Other manifestations of this new approach are:

- First, the nomination of Lee P. Brown and then General Barry R. McCaffrey as Drug Czar.
- Second, the creation of the Department of State’s Bureau of Terrorism, Narcotics, and Organized Crime, which narrowly focused on a few countries including Colombia.
- Third, the distribution of 64 percent the anti-narcotics budget to suppression of the supply, while only 36 percent is aimed at controlling demand.¹⁸⁵
- Finally, since the Colombian narco-scandal started, the Clinton administration has implemented a hard line policy towards Colombia, sometimes arguing that this “8,000 process” was an internal matter of Colombia and at other times been very involved in this internal process through different U.S. representatives such as Robert Gelbard or Milles Frechete.

As a result of these U.S. policies, Colombia’s socioeconomic problems are greater today than before the de-certification. The violent protest of over one half million peasants against

¹⁸² Ibid, pp.115-129.

¹⁸³ The Clinton administration introduced radical changes in previous policies against drug trafficking. According to a 1993 National Security Council report, the policies followed by the Reagan and Bush administrations did not have meaningful effects on drug cultivation and exports from Latin America. Cited in Schoultz, Smith, and Varas, p.21.

¹⁸⁴ Ibid, p.17.

¹⁸⁵ Ibid., pp.127-128.

the government eradication campaign is a signal that the Colombian state needs a strategy where not only forceful measures are taken but also, social and economic measures. Furthermore, if the United States implements economic sanctions and the economic preferences are cut, more than a million people involved in legal crop production such as flowers, bananas, etc, will be out of jobs. This will increase the socioeconomic problems and may push the country towards collapse.

3. Explaining Variable (3): Legitimacy of Institutions of Polyarchy

According to Diamond, Linz and Lipset:

So intimately is legitimacy tied to democratic stability that it is difficult to know where definitions end and theorizing begins.¹⁸⁶

They also suggest that:

... democratic legitimacy is also shaped by the performance of the democratic regime, both economically and politically (through the "maintenance of civil order, personal security, adjudication and arbitration of conflicts, and a minimum of predictability in the making and implementation of decisions").¹⁸⁷

With this definition in mind, an approach to the impact of the de-certification upon Colombia's legitimacy can be made. It is important to remember that the United States is the leading nation of the world, so this is not a case of Colombia being de-certified by one of its neighbors. The U.S. action tarnishes seriously the image of Colombia worldwide. De-certification has an enormous impact upon the country's legitimacy within the international community. The same lack of legitimacy that is preventing today's foreign investments also leads to actions like the negative reception that the President of Venezuela offered to President Samper on his return from France in Caracas in mid-1996.

¹⁸⁶ Diamond, Linz, and Lipset, p. 9.

¹⁸⁷ Ibid., p.10.

Today, Colombia cannot make use of sentimental discourse by maintaining that Colombians have paid a high price in this war, that thousands of people have died because of the war, and that Colombians are the victims of narco-trafficking. Furthermore, Colombians cannot be sufficiently proud that the Medellin and Cali Cartels leaders are in jail, and that Colombia has destroyed hundreds of cocaine labs, seized tons of cocaine and eradicated thousands of acres of illicit crops. Colombians cannot use these arguments when the President and members of Congress were elected with the cartel's money; when the Attorney General of the country and members of Congress are in jail or being investigated on these charges; or when the drug dealers receive short sentences for their crimes against humanity. The martyr's discourse has lost impact because of the dual standard of the country.

It can be argued that before the narco-scandal there was a different perception of the government's legitimacy. Although there were some allegations about the infiltration of illegal money into the President's campaign, this was considered by most of the population as a fabrication of the Conservative Party and its candidate Andres Pastrana who was considered as a bad loser. Because all of this was perceived as unsubstantiated, the government legitimacy was not affected. The President was able to assume his mandate and at the time, the prospects seemed good. However, the other side of the coin was different, and the course of the events changed. Losers become winners and winners may be prosecuted.

At the time the narco-scandal became public the people did not know what was really happening, or could not imagine that this problem would threaten their own future. This internal situation, now exacerbated with the impact of the U.S. de-certification, has become the greatest reason for the Samper government's lack of legitimacy. The monster of corruption was hidden within Colombian society and has become so big that it is the greatest threat to the country's stability. Today, even though Samper was declared innocent, the people of Colombia have a government that is without legitimacy, isolated, and losing more public support every day. The worst effect of all is a President that divides rather than unites

Colombian society. This, at the very moment that the society is confronting the worst crisis in its democratic history.

We can use the Diamond, Linz and Lipset approach to understand the impact of this variable on the institutions of democracy:

... regimes that lack deep legitimacy depend more precariously on current performance and are vulnerable to collapse in periods of economic and social distress.¹⁸⁸

This is the danger that Colombia's democracy is facing today: a threat to its own survival, and a situation that will continue to escalate if economic sanctions are implemented by the United States. In March 1997, a new process of certification will start. It is important to know that none of the de-certified countries have been re-certified by the United States in the past. For this reason, the likelihood that Colombia will be de-certified again, and that this time President Clinton's discretionary sanctions will be implemented are more real than ever. This will constitute, in the author's opinion, the final exam for Samper's legitimacy, a test that could change the course of Colombian history.

4. Explaining Variable (4): Effectiveness of Polyarchy in Solving Major Problems

In the author's opinion, the opinion that Colombians have about democracy is not very high. This pattern have been persistent before and after the de-certification, especially because for the last 38 years, this system of government has not brought a better standard of living for most of the population. On the contrary, Colombian democracy has not been able to address basic needs such the right to live, to have an education, to have access to health and basic services, as well as the right to express opinions. Furthermore, the price in lives and money that the country has had to pay to maintain this so-called democracy has been not only high but painful. This has happened because Colombians were not able to understand, as Schmitter and Karl put it that:

¹⁸⁸ Ibid., p.10.

... democratization will not necessarily bring in its wake economic growth, social peace, administrative efficiency, political harmony, free markets, or "the end of ideology."¹⁸⁹

I have argued that one of the most important political reasons why Colombia has not been able to consolidate its democracy, is because of a very weak transition phase, represented by the National Front experience. The National Front proved to be a good example of consociationalism, but while this system was used to bring peace and stability to the country, it also helped to bring bureaucratization and with that corruption. This background of Colombian democracy proved not to be fertile ground for the democratic institutions. On the contrary, what resulted from this experiment were weak institutions, that were unable to solve the people's problems. The result of this was a disillusionment with democracy. It is here where anti-democratic sentiments grow.

This author agrees with Philippe Schmitter's argument that democracy, in some form or another, may well be the only legitimate and stable form of government in the contemporary world.¹⁹⁰ However, after the de-certification and narco-scandal this process of disillusionment from democracy accelerated in Colombia. Perhaps because the people were used to corruption at the lowest level of government, but they never realized that this source existed also on the top. The impact of this situation on Colombia's democratic behavior was huge. This attitude was reflected by the appearance of anti-democratic solutions put forward by members of the civilian elites. Today, there is a sense that even though it has been persistent, Colombian democracy continues to be unconsolidated. Worst of all, many people believe that the fastest way to solve the problems that Colombian democracy faces is outside of the democratic institutions.

¹⁸⁹ Schmitter and Karl, p.51.

¹⁹⁰ Philippe C. Schmitter, "Dangers and Dilemmas of Democracy," *Journal of Democracy*, Washington D.C., vol. 5, no. 2, April 1994 p.58.

C. THE IMPACT OF THE U.S. DE-CERTIFICATION ON COLOMBIA'S DEMOCRACY

Since the process of de-certification began in March 1996, the political impact of sanctions has been great. These sanctions that were focused in the 1995 performance of Colombia in the drug war, carry with them a very important message: President Samper must leave the Colombian presidency. Thus, the original goal of the de-certification process was not achieved, and the U.S. strategy was oriented to the political arena, rather than to improve the results of the drug war and to search for new strategies against the drug cartels.

At the same time this was happening, two very important processes were on course. One was the 1996 U.S. presidential campaign. The second was the "8,000 process," internationally known as the Colombian narco-scandal, concerning the infiltration of millions of dollars in the 1994 presidential campaign that brought Ernesto Samper to the Nariño Palace. These two events marked the course of the U.S.-Colombian relations during 1996. The bi-lateral relations between Washington and Bogotá were not under the scope of diplomacy, but under the turbulence of a political struggle in each nation.

However, it is very important to explore different hypotheses to avoid viewing the problem just from the Colombian perspective. In this study three different hypotheses will be tested that will help develop conclusions later in this section. These hypotheses may give the diagnosis of the actual state of the Colombian democracy:

1. Has the U.S. De-certification Undermined Democracy in Colombia?

After ten months of being de-certified, the argument can be made that Colombian democracy today is undermined. After that period, the instability of the country has been augmented by the levels of violence from guerrillas, narco-traffickers and right wing death squads. Public disorder and disobedience have reached unprecedented levels.

There are important and specific factors that support the argument that Colombian democracy was undermined:

First, we can argue that the political punch that the de-certification carries with it was not accomplished. President Samper continues in the presidency of Colombia, with even more public support. This is in part because of his populist discourse against U.S. aggression, but

also because his social message is in support of the poor and attacks the elites. This attitude had permitted the people to see Samper as the President of the poor, giving his administration the legitimacy he lost during the "8,000 process."

Second, the social discourse of Samper had a major impact in the struggle between classes. He has contributed to widening the gap between rich and poor, between upper and middle classes against the lower class. This policy will have a boomerang effect because at the same time the government is doing this, it is supporting a part of the guerillas' discourse against the rich and capitalism. The impact of this type of strategy on democracy without any doubt can lead to a catastrophe. The people do not believe in democratic institutions and see violence as the only option to express discontent against the rich and in support of the president.

The U.S. de-certification impacts the strategies that the Colombian government has used in the drug war. Because of de-certification, the Colombian government tried to demonstrate better results in many areas in an effort to placate the U.S. economic sanctions. One of them is the crop eradication campaign oriented to the eradication by air and ground operations, of 67,000 acres of illegal crops during 1996. To accomplish this objective the government had to involve its Military Forces in "operation conquest."¹⁹¹ This operation carried out by the military with the cooperation of the police, had a major impact in the drug-producing regions. Pushed by the FARC cartel, a major civil protest began in the Guaviare Department as a result of operation conquest. This protest produced a snowball effect on other regions like the departments of Putumayo, Caqueta, Cauca, and Huila. As a result of this conflict 72 peasants were injured and 7 killed in the Guaviare protest,¹⁹² 6 killed and 100 injured in the Caqueta¹⁹³ and many more in other places.

¹⁹¹ "Aquí Estamos y Aquí nos Quedamos," *Semana Magazine*, Via Internet, Bogota, August 15, 1996, pp.1-6.

¹⁹² Edison Parra Garzon, "Por Fin, Acuerdo en Orito," *El Tiempo*, Via Internet, Bogota, August 21, 1996, p.1.

¹⁹³ "Hoy Firmaran Acuerdo en el Caqueta," *El Tiempo*, Via Internet, Bogota, September 11, 1996, p.1.

Third, one of the most difficult topics in this drug war is the reestablishment of the extradition law. The battle to implement this law has caused hundreds of deaths in the past. Today, extradition is not permitted by the 1991 Constitution. However, the Clinton administration argues that this is one of the major points that must be solved if Colombia wants to have a solid relationship with the United States.¹⁹⁴

Today, the Colombian Congress is studying the possibility of a constitutional amendment, but two factors undermine the positive approach of the Congressmen to this problem. One, because this reform is seen as U.S. intervention, an imposition; the other, due to the fear of a new narco-terrorist campaign. This topic and others, like the approval of laws against money laundering, involvement of the military in the drug war, the use of new chemicals to combat coca crops, changes in the justice administration, changes of the penal law, etc., overwhelm the Colombian Congress' legislative agenda. The impact on democracy that many experts see in changing the 1991 Constitution is eminent. Especially now when the administration has not seen as positive the independence of the justice branch from government, that was very clearly specified in the 1991 Constitution. The same independent justice is required in fighting political corruption in saving Colombia from collapse.

Fourth, in the last four decades after the Rojas Pinilla military regime, the word "coups d'etat" did not have a place in the political dictionary of Colombia. Today this word has been brought back from the past not by the military, but on the contrary by members of the civilian elites. These are the same elites that have seen their own interests threatened by the possibility of U.S. sanctions, the dangers of economic recession, and worst of all by the probability of a major general insurrection, the final step of the guerrilla war in Colombia. These elites will not accomplish their objective, and have not changed the Colombian military posture of support for democracy. However, their new political message has helped to augment the level of turmoil and the general sense of public disorder.

Finally, a threat that has not been confronted, but that is at present a real danger is the probability of the application of the United States economic sanctions on Colombia. It is

¹⁹⁴ John Gutierrez, "Bases de Estados Unidos para la Recertificacion," *El Tiempo*, Via Internet, Bogota, July 14, 1996, pp.1-3.

possible that the U.S. will implement these sanctions March 1997, especially if it does not see major improvements in the drug war, as well as in the legislative and judicial arenas. Until now the de-certification itself has had very little impact on the economy. This impact was reduced, thanks to the conservative economic and fiscal policies that for years have permitted Colombia to develop a strong economy. However, in the opinion of two of the most influential sectors, the National Federation of Merchants and the National Association of Industrialist, today economic fear and insecurity are persistent factors. The situation is a clear and present danger to the economy and suggests that serious trouble may lie ahead.

The economic impact of the de-certification will increase faster than any other factor in the level of instability and social protest. Until today, the Colombians have not suffered any major alteration of their pocketbooks and their market. Furthermore, many people have not felt the individual consequences of being a de-certified country yet. However, if sanctions are implemented by the U.S. in a society as violent as Colombia, the results and impact on democracy could be more devastating.

2. Has the U.S. De-certification Strengthened Democracy in Colombia?

It is very difficult to see in just ten months the positive side of the de-certification. I will argue that in the short term, democracy has not been strengthened by the de-certification. However, this study should explore the probability that in the long term the de-certification will produce a positive outcome. If the end result of the de-certification is a stronger state and institutions, narco-trafficking destroyed or diminished, and democracy consolidated, Colombians will have to recognize that it was a very painful process, but that it was worth it.

During this research the author has found some aspects that may help to create a positive final outcome. First, the involvement of the military forces throughout "Operation Conquest" has been very important, not just against narco-traffickers but also against guerrillas. According to General Harold Bedoya Pizarro, Colombian Army Chief of Staff, in just one month of military operations the FARC has lost \$25 million in the Guaviare Department, \$7

million in the Putumayo Department and \$5 million in the Caqueta Department.¹⁹⁵ This success is due to the fact that within the Operation Conquest planning there is an interdiction phase, that has permitted the military forces to cut all supplies from the urban areas to the coca production sites. Chemicals, gasoline, cement, tools and food are now restricted, causing a collapse in coca production, and squeezing economically the narco-guerrillas.

This operation is helping the government and especially the army to find more evidence regarding the link between guerrillas and narco-traffickers, known in Colombia as the narco-guerrilla theory. With this argument the Colombian guerrillas are seen as the third cocaine cartel, along with the Medellin and Cali Cartels. Most important of all, the civil protests led by the FARC against Operation Conquest in the Departments of Guaviare, Putumayo and Caqueta, where more than 500,000 peasants were pushed to protest against the crop eradication campaign, has helped to demonstrate that the group affected most by the crops eradication campaign are not the Medellin, Cali or North of Valle cartels, but the FARC cartel.¹⁹⁶

Despite the civil protest, this outcome has a positive impact on democracy because it helps the government to reduce the guerrillas' legitimacy. At the same time it undermines seriously the narco-traffickers' finances and economy, and also provides a clear argument for a better relationship with the United States. But most important of all, if in the near future the United States and the international community recognize that the Colombian guerrillas are not politically oriented any longer, but that their only "ideology" is the traffic of narcotics, this will change dramatically the environment of war and, in the author's opinion, this will mark the beginning of their own demise.

Second, the de-certification has helped to demonstrate that there are democratic institutions that are very well respected by the United States. These include the military forces and national police, but especially the General Prosecutor's Office. Called the Fiscalia General de la Nacion, this independent institution created by the 1991 Constitution, is

¹⁹⁵ "Saldo en Rojo," *Semana Magazine*, via Internet, Bogotá, August 23, 1996, pp.1-2.

¹⁹⁶ Ibid.

directed by Alfonso Valdivieso, today the person most respected by Colombians and the Clinton administration. This office played a major role during the "8,000 process" and has investigated the involvement of drug money in the political campaign. Thanks to these actions, the justice administration led by the Supreme Court and the Penal Judges has been able to put in jail for the first time in history a considerable number of Senators, Representatives, and important political figures of the country like the Attorney General of the nation (Procurador General de la Nacion).

After the de-certification and because of the General Prosecutor's Office behavior during the "8,000 process" developments, the U.S. support for the General Prosecutor's Office has increased. This improved legal cooperation strengthens democracy. Most importantly, the Prosecutor's actions against traffickers and corruption, many times supported by U.S. evidence, have shown the people that even the most powerful can be under the scope of justice. In the past there was little possibility of some corrupt politicians or government officials going to jail because of corruption. Thanks to General Prosecutor Valdivieso's actions, justice is stronger and the Fiscalia is seen as one of the most valuable institutions of Colombian democracy. Furthermore, this institution is today one of the most important reasons why a non-democratic regime can not be seen as the real solution to the country's problems.

Finally, the role played by the media in this process has been more than positive. Independence of journalism and free press has permitted the country to understand today's realities. It is true that there has been some biased members of the media, but I will argue that in general, their impact in this process has strengthen Colombian democracy. It is important to mention that President Samper's government protected by all means the free press, even when most of the time their arguments were personally against him. The media in general have helped to bring to the people the key information that in the future will help the voters decide whether to vote for an honest politician or a corrupt one. In the long term for certain, and especially if the country finds its way out of narco-trafficking, it will be argued that one of the major players that helped to destroy narco-trafficking was the Colombian media.

3. Has the U.S. De-certification had No Impact at All on Colombian Democracy?

It is difficult to argue that U.S. decisions or strategy has no impact at all on Colombian democracy. The moment this becomes possible, the United States will no longer be a superpower. But, there are factors that can help us to explore this hypothesis. First, the de-certification economic sanctions have not been imposed yet. Second, the U.S. economic aid for the national police was not canceled. Third, important acts of judicial cooperation continue to take place between the U.S. judicial authorities and the office of the Colombian General Prosecutor. In October 1996, after the de-certification was in effect, the U.S. government, concerned about reports that leftist rebels were becoming deeply involved in drug trafficking, substantially increased cooperation with the Colombian military.¹⁹⁷ Especially because of the impact caused by Colombian narco-guerrillas actions, where more than 150 soldiers were assassinated, and 50 more soldiers were kidnaped by the FARC the following month when Operation Conquest was put into effect, the Clinton administration gave \$40 million to the Colombian military forces.

These aspects can lead one to argue that de-certification has no impact at all on U.S.-Colombian relations and that Colombian democracy has not suffered any change as a result of de-certification. The most important argument of this hypotheses is that economic sanctions have not been implemented yet, and that U.S. counter-narcotics as well as military aid have continued to flow into the country. Finally, although the topic of drug control was debated during the 1996 presidential campaign, the case of Colombia was never discussed as expected by Colombians. However, one must consider this hypothesis more carefully.

First, even though the economic sanctions have not been imposed, it is important to consider the economic background in evaluating how well prepared the Colombian economy is to confront economic threats. According to Political Risk:

¹⁹⁷ Thomas T. Vogel and Jonathan Friedland, "U.S. Aids Colombian Army in Drug War," *Wall Street Journal*, New York, October 16, 1996, p.16.

... given the social disorder and drug problems, the Colombian economy is remarkably stable and conservatively managed. Growth has been steady since the 1950s, inflation has remained under control, debt is modest, and no firms have been nationalized since the 1960s. Even during the difficult 1980s, economic growth rates managed to keep pace with population growth. Between 1982 and 1987, Colombia achieved the highest rate of GDP growth in Latin America, while enjoying one of the three lowest inflation rates.¹⁹⁸

With this kind of economic background we can argue that the Colombian economy is strong enough and for this reason the Colombian economy will not suffer in the short term.

Furthermore, according to the Colombian Minister of Finances Jose Antonio Ocampo during one of his speeches in the Senate plenary sessions, the economic effects of the de-certification have not been dramatic, neither in commercial matters nor in credit aspects. He argues that the credits the country has with multilateral banks such as the World Bank and the Interamerican Development Bank (IDB) have continued without problems. He also stated that there is not a short term risk that the United States will use its veto over the credit operations of Colombia. He explained that the only exception by which Colombia would lose money was with some resources from the Multilateral Investment Fund from the IDB, in which the country could lose \$5 million dollars a year.¹⁹⁹

Second, the relations between the Clinton administration and the Colombian national police continue to be the same before and after the de-certification occurred last March. This is due to the U.S. involvement influencing the designation of General Rosso Jose Serrano, as a General Director of the National Police since the beginning of Samper's administration in August 1994. General Serrano has worked for many years with the U.S. agencies as a director of the anti-narcotics police, where he accomplished very important raids against narco-traffickers. General Serrano the United States considers the only person capable of restoring order and combating corruption inside the ranks of the police. Because

¹⁹⁸ "Colombia Economic Conditions," Political Risk Services, Via Internet, IDC, USA, November 1, 1996.

¹⁹⁹ "Inversiones de Estados Unidos se Protegeran: Ocampo," *El Tiempo*, Via Internet, Bogota, August 28, 1996, p.1.

of this we can say that the relations between the United States and the Colombian national police have suffered no impact. The continuity of this relation permits Colombian democracy to continue its fight against narco-trafficking as planned.

Third, the relations between the U.S. judicial authorities and the office of the Colombian General Prosecutor have not been affected by the de-certification. This very important relationship has not suffered any impact at all, and at the same time has permitted General Prosecutor Valdivieso to continue with the investigations related to drug-corruption as well as all the investigations related to the heads of the Cali cartel, today all in jail. Because this pattern has not changed, we can say that as important as de-certification is, however, in the short term it has not impacted the Colombian democratic consolidation process.

Finally, the open involvement by the Colombian military forces in the drug war has pleased the United States. According to General Wesley Clark, the U.S. army commander at Southern Command in Panama:

“In some countries, we are seeing narco-guerrilla movements that require the military to respond with a combat presence,” he adds, “Colombia’s armed forces are taking an active role against the traffickers.”²⁰⁰

This active role evidenced by the army in Operation Conquest has had a major impact on the narco-guerrillas business. This action at the same time has given more credibility to the Samper government and permitted once more to show to the international community the perverse marriage between guerrillas and narco-traffickers. Thanks to these actions, the Clinton administration moved emergency aid in support of the military, evidenced by the relationship between the U.S. and the Colombian military, a relationship that was very much affected in March 1996 by the automatic sanctions of the de-certification. This U.S. action reduced any doubt regarding the United States support for Colombian democracy.

In conclusion to this chapter, the author argues that de-certification does have an impact on democracy in Colombia. In the short term, the U.S. de-certification undermines

²⁰⁰ Vogel and Friedland, p.16.

democracy in Colombia, but in the long run, it strengthens democracy.²⁰¹ Table 4 summarizes this conclusion, by testing the three hypotheses of this chapter in both the short term and long term.

Table 4. Hypothesis Test, U.S. De-certification: Impact on Colombian Democracy

No.	Hypotheses		Type of Impact	
			Short Term	Long Term
1	Undermine Democracy	(-)	YES	NO
2	Strengthen Democracy	(+)	NO	YES
3	Has No Impact	(±)	NO	NO

²⁰¹ Short term is defined as up to 12 months. The long term is any period beyond those 12 months.

VI. CONCLUSIONS

This thesis has permitted the author to arrive at three important conclusions. First, after ten months of U.S. de-certification, it is difficult to predict if in the long term Colombian democracy will be strengthened by the de-certification. In the author's opinion, there are some factors that as a result of a long term de-certification impact, can contribute to this strengthening of democracy. They include the following: the consolidation of a very strong and independent judiciary, united military forces and national police fighting their part of the drug war, a free press, weaker narco-guerrillas, the resurgence of a new political class, and most important, a united and organized civil society that is tired of political corruption and impunity. All these points are not impossible to achieve. However, it is clear that without the moral, political and economic support of the United States and the international community, these goals cannot be achieved.

Second, it is impossible to argue that the U.S. decision to de-certify Colombia has no impact on the democratic consolidation of Colombia. To ignore this impact is to ignore the power of the United States and the realities of the U.S.-Colombian relationship. It is important to remember that the United States is Colombia's most important commercial partner. U.S. investments in Colombia are 60 percent of all foreign investments. Furthermore, Colombia imports 37% percent of total imports from the United States, followed by Venezuela (10 percent), while Colombia exports 34% of total exports to the United States, followed by Germany, 8 %.²⁰² These figures by themselves explain how important it is for Colombia to have a good relationship with the United States and the impact that a weakening of this relationship may produce in the Colombian economy. However, we cannot forget that even though the United States is commercially important for Colombia, narco-trafficking is the main problem that unites and separates both countries. As long as narco-trafficking exists, the Colombian posture against it will be influenced,

²⁰² "Relaciones Comerciales con Estados Unidos, Guerra Fria," *Dinero Magazine*, Via Internet, Bogota, January, 1996, pp.40-50.

pressured or imposed by the United States. We can conclude that today the future of U.S.-Colombian relations depends to a large extent on U.S. decisions, the same decisions that will undermine or strengthen Colombian democracy, but decisions that will always produce some impact.

Third, the author's most important conclusion is that the U.S. de-certification in the short term has undermined the democratic consolidation of Colombia. This permanent pressure of the United States on Colombia has helped to augment political fires within the country, but never to suppress them. These U.S. actions have not permitted Colombians to find their own way out of this volatile situation. On the contrary, this permanent U.S. involvement has helped to make the situation worse. If guerrillas, narco-trafficking and corruption were the obstacles to democratic consolidation in the past, today U.S. intervention is one of the factors causing internal instability. Because of this, Colombian democracy is suffering its greatest crisis in recent history. The editorial of *El Tiempo* on September 12, 1996, gave a real indication of how difficult the situation is or may become. According to Enrique Santos Calderon (one of the most respected journalists in the country), in Colombia the situation is so dangerous that the people will have to choose between authoritarianism or anarchy.²⁰³ Unfortunately, this type of prediction about the democratic future of Colombia may be accurate and represents a widespread perception within the local media and educated sectors of Colombia.

Finally, the process of certification continues, on a day by day, month by month, and year by year basis. For the last 10 years no de-certified country has been certified again. The impact of de-certification on Colombia has been huge and affects its institutions, economy, and polity. Colombians all know that this is perhaps the only opportunity that Colombia will have to join the community of civilized nations in a campaign to put the drug cartels out of business. However, Colombia cannot fight the drug war by focusing on the past. The only way to fight the drug war is by looking forward. Because of this, it is now time to think of the new de-certification process of 1997 or even 1998. The United States should give

²⁰³ Enrique Santos Calderon, "Contraescape," *El Tiempo*, Via Internet, Bogota, September 12, 1996, p.4.

Colombia a “vital national interest certification” in March 1997.²⁰⁴ This will permit the Colombian institutions to recover, and at the same time will have a positive impact on Colombian democracy.

²⁰⁴ When a country whose counter-narcotics performance does not qualify for a complete certification, the President of the United States may give a vital national interest certification. This is done when the U.S. national interest outweighs the risk of less than full cooperation, in this case foreign assistance will remain unchanged.

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